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J.M.J.D.

# DOMINICANA

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## INTRODUCTION



WHEN the United States Department of Justice commissioned Mr. Boardman Robinson to paint appropriate murals in the foyer of its building in Washington several years ago, the Dominican theologian, Francisco de Vitoria, founder of International Law, was one of the subjects chosen. In executing his commission, Mr. Robinson undertook a search for a likeness of the Spanish friar. The search proved fruitless for enquiry and scholarship could produce no authentic portrait or figure of Vitoria. As a happy solution, Mr. Robinson painted the head of James Brown Scott, then Secretary of the Carnegie Endowment for International Peace, on the shoulders of the friar, all unknown to Dr. Scott. More than the painter knew, this was a unique tribute to a great American Vitorian scholar.

Dr. James Brown Scott, a non-Catholic,\* was one-time professor of International Law at Georgetown University, Secretary of the Carnegie Endowment, and world authority on international law. By his writing and scholarship he has done more than any other man to bring the teaching of Vitoria to the modern world. By his labors and interest in the Spanish theologian, he has brought almost singlehandedly, the doctrine of the *De Indis* to the attention of English-speaking legalists and students of peace and international relations. And to Dr. Scott principally goes credit for the growing recognition of Vitoria's title as the founder of international law.

Dr. Scott's contribution to Vitorian studies fittingly enough received particular notice in the international convocation in honor of the fourth centenary of the death of Vitoria, assembled at the Dominican convent of St. Stephen, at the University of Salamanca, the

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\* It may be reasonably surmised that James Brown Scott, like Hugo Grotius before him, died a member of that Church whose moral teaching he so much admired and propounded.

place of Vitoria's teaching, in Spain, during June of 1946. At this celebration, delegates from countries all over the world, ecclesiastics, government officials, historians, lawyers and academic men, assembled to pay tribute to Vitoria and to dedicate themselves to the principles of international peace which he set forth. A leading part of this convocation was a lecture on the work of Dr. Scott given by the Rev. Charles Hugh McKenna, O.P., of Providence College, Providence, R. I. In addition, the delegates ordered a medal bearing the likeness of Dr. Scott to be struck in his honor.

In this two-fold way the names of Vitoria and Dr. Scott are bound together, and the mural in the foyer of the Justice Building in Washington, bearing the name and figure of Vitoria and the head of Dr. Scott, is a fitting memorial to the name and work of both of them.



## A MAN OF THE TIMES

JEROME CONROY, O.P.

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T HAS been said that "the times makes the man" and that men makes the times." This was certainly true in the case of Francisco de Vitoria, for the years during which he lived saw great changes which could not but help affect the men of his day. Furthermore, Francisco de Vitoria was a man of the times who could take advantage of these changing events to fulfill the role which Providence had given him.

When Francisco de Vitoria was born in 1486 in Spain, Europe was united spiritually. Christianity and Catholicism were one and the same thing. From Ireland in the far west to Poland in the east, from the peoples of the Arctic Ocean to those on the sunny Mediterranean Sea, this remarkable unity was evident among the mass of the inhabitants. Theology was still regarded as the greatest and most inclusive of the sciences. Because people looked upon membership in the Church as a preparation for a future life, they were content to be guided by the doctrines on which her theology was based. The practical acts of their everyday life had a bearing upon the spiritual world which was their ultimate goal. Hence, every act, individual or political, was submitted to one and the same moral standard. The right or wrong of the matter did not depend upon the person, but upon the intrinsic nature of the act and its necessary consequences. For the layman of the sixteenth Century, the theologian was the teacher appointed by the Church, and his ruling was law in those matters which pertained to man's eternal salvation. Thus Vitoria, one of the greatest theologians of his day, was not at all an extremist for holding that no question could be decided adequately without recourse to this science. Theology, in a word, functioned in everything; nothing was alien to it. The vigor of its influence, together with that of its handmaid, scholastic philosophy, was but one of the signs of the remarkable unity among the people of those times.

In Spain, Vitoria's birthplace, spiritual unity has been achieved when the Moslems were finally driven out of their last stronghold in the extreme south of the country. As early as the eighth Century, Islam had conquered almost all of the Iberian peninsula. But, little by little, the Spaniards wrested their land from the Moslem invader. Finally, on January 2, 1492, Boabdil, the last of the Moorish Kings in the country, surrendered to Ferdinand and Isabella at Granada.

These two sovereigns completed the territorial and spiritual unity of their country. Their pride in these achievements was justifiable. But they were especially proud of their religious successes and gloried in the title "Their Catholic Majesties." This was typical of their age of faith.

Not only was Europe united spiritually but it also had a certain political unity at the period of Vitoria's birth. This unity, which had been brought about chiefly by the Church and the Holy Roman Empire, gradually weakened. At the beginning of the sixteenth century, national political states were starting to come into existence. This resulted chiefly from the breakdown of the Holy Roman Empire. People of one nationality with their distinctive language, literature, and patriotic spirit, formed the core of each new national monarchy. Practically every one of these governments showed a very marked inclination toward monarchical absolutism.

Among these new states, modern Spain had resulted from the marriage of Ferdinand of Aragon with Isabella of Castile. After the Moslems had been driven out, Ferdinand worked to consolidate his country's gains and to further Spanish influence in international affairs. More and more, he became an absolute sovereign. When he died in 1516, he left his grandson, Charles, a well-knit kingdom which included the newly-discovered lands in America. Charles, through his paternal grandfather, Maximilian of Austria, inherited the Netherlands as well as the right to be elected Holy Roman Emperor. Soon afterwards, he acquired this coveted honor. Thus, as Charles V, King of Spain and Holy Roman Emperor, he ruled an extensive dynastic state, and Spain's position was immeasurably enhanced. Truly, her Golden Age was well under way.

If the times in which Vitoria lived were remarkable in the political sphere, they were equally famed as the Age of Learning. The recent invention of printing helped to diffuse rapidly this renaissance learning. All over the continent, an important intellectual quickening was evident in the renewed interest taken in classical learning and in humanism, in the cultivation of art and the flowering of national literatures, and in the progress of science. The latter, however, did not reach its full development until the advent of Francis Bacon who lived in the latter half of the sixteenth Century.

Humanism, although it began as an appreciation of the writings of classical antiquity, soon became inimical to the Christian way of life. From an imitation of the classical styles of the ancients, humanistic scholars went on to accept the paganism and immorality contained in the new learning. There then resulted a gradual neglect of

the moral and dogmatic teachings of Christianity. Scholasticism was considered worthless, and the high place of Christian theology was held up to scorn. The most cherished Christian traditions of self-sacrifice and self-denial and the long established Christian institution of monasticism were made light of and criticized by the "intellectuals" of the day. The indifference in religious matters which humanism promoted has lasted to this day. The habits of thought and behavior which have been abiding characteristics of modern civilization have remained as a last vestige of that institution long after the absorbing interest in the classics has been lost. The foremost exponent of humanism, Erasmus, corresponded with Francisco de Vitoria, who has been called a humanist because he was a man of the humanistic learning. This means simply that Vitoria was a man of his day and generation, well acquainted with the learning then in vogue. That Vitoria was a humanist in the sense that he held that the charm of the classics was essentially in their humanness, i.e., the natural and the sensual, to the complete exclusion of the supernatural and the theological, is ridiculous and unthinkable.

The age of Vitoria also had its scientific discoveries. In astronomy, the Copernican theory, which reversed the opinion held since the second Century that the Earth is the fixed center of the universe, was being admitted. The invention of the mariner's compass and the other advances in navigation were also both aids and incentives for the greatest discovery of all—that of America. And for the subjugation of America's inhabitants, the discoveries of gunpowder and of ways of making heavier artillery were indeed opportune. These latter discoveries also helped in the subsequent enlargement and solidification of the powerful modern State. After the invention of gunpowder, wars became more bloody and more international. Of this fact, Vitoria had firsthand knowledge from the almost constant wars which his sovereign, Charles V, was waging.

Of all the discoveries of that age, however, there was none that surpassed that of the intrepid Columbus. It was an international event that changed and shaped history as few others—if any—have done. The results it had on the history of the world can never be fully estimated. Through it, there was a tremendous increase in commerce and shipping, the sole beneficiary of which was Spain, Vitoria's homeland. The economic expansion which resulted made Spain second to none in wealth and prestige. But the newly-discovered lands also added to the theatre of human activity many political and economic problems. Rivalry between the different exploring nations increased wars and rumors of wars on the home continent as well as across the sea.

From 1492 on, there were new discoveries in America practically every year. Following the discoveries, conquests of the lands and their people were made. The table of these epochal events reads like a litany. In 1499, Venezuela was discovered by Alonso de Ojeda; during the same year Vincente Yañez Pinzon had come upon the Amazon River. The conquest of Peru took place in 1508; that of Cuba, two years later. In 1512, Florida was discovered. The following year, Balboa had reached the Pacific. In 1514-15, Solis discovered Argentina. Cortez landed in Mexico in 1519 and began his conquest of that land, completing it during the next year. During the years 1520-22, Magellan, with his Spanish sailors, circumnavigated the globe for the first time. In 1530, Bolivia was discovered. The same year, the exploration of the Amazon River took place. In 1531 occurred Pizarro's conquest and looting of Peru, the land of the Incas. The exploration of a great part of what is now the Southern United States was undertaken in 1539 by Hernando de Soto.

With the explorers went the missionaries, who were to make spiritual conquests where others hand conquered by blood and steel. In 1510, the first Dominican missionaries were sent to America. They continued to bring back to Spain fresh news of the spoliation of the lands of the Indians by the conquistadores. Soon the conduct of the conquerors had become common knowledge. These missionaries naturally appealed to the theologians of their Order to settle questions of morality which concerned their charges in New Spain. Already in 1512, two years after the Dominicans first went to evangelize the Indians, a conference was held at Burgos by the order of King Ferdinand between the Dominicans and the Franciscans to discuss points of colonization. A similar conference was held at Barcelona in 1518.

The great apostle of the Indians, Bartholomew de las Casas, O.P., had first defended the rights of the natives in 1514. This great missionary crossed the Atlantic no less than seven times to make his personal plea for the Indians to the King of Spain. The ensuing reforms which the King brought about through a commission of theologians and jurists formed a precedent which Vitoria followed later on when dealing with similar questions. It is interesting to note that all theologians, without exception, held that the Indians were the rightful owners of American soil.

Francisco de Vitoria lived while all these occurrences were taking place. Not only did events overseas influence the life of the University of Salamanca while he was there. Especially, Charles V's unceasing wars on all the battlefields of Europe and Northern Africa were provoking profound discussions among the theologians. The rise of Prot-

estantism with its attendant political as well as spiritual ramifications, England's ambitions in the field of international politics, the religious wars which were then convulsing Europe, in addition to the troubles in the New World, (which was New Spain to the Spaniard), were affairs that held the attention of every Spaniard, whether theologian or not.

The discovery of a New World introduced a need for more laws to regulate the conduct between homeland and colonies and between nation and nation. The depredations of the unscrupulous Cortez in Mexico, where he spread death and destruction far and wide, and still more, the inhuman treatment of the Incas of Peru by the more brutal and cruel Pizarro, called for stringent laws to deal with such lawless conquistadores. The conquest of these rich countries and the methods used to subdue the natives caused many doubts as to the lawfulness of these acts. And even granting the lawful acquisition of territory overseas, rulers still had to know what treatment was just and honorable for their newly acquired subjects. And at home, the jealousy which gripped the rival colonizing countries called for more definite restatements of principles for the conduct of inter-state business. These were the problems that vexed the minds of leading jurists and theologians of that day. Especially the moral problems raised by the discovery of America gave Vitoria, as they did all other theologians in Spain, an opportunity to try to solve these difficulties. Vitoria's solutions, however, although given for the particular problems on hand, were broad enough to have universal application. In short, Vitoria unconsciously became the founder of the modern law of nations. This was accomplished by his spectacular revelation to the world that the same principles of justice expressed in the same rules of law were applicable alike to the civilized nations of Europe, the primitive peoples of America, and indeed to all other peoples of the world.

Francisco de Vitoria was well prepared as a moralist to prescribe for his times. After having heard about and seen the problems of his times, Vitoria brought to the study of them an acute mind and a fine basic training imparted by excellent teachers. As a member of the Dominican Order, he had had the advantages of an excellent training in scholastic philosophy. This study equipped him with a fine method for exposition of doctrine and gave him broad training in the field of controversy. Employing the syllogism to the best effect, Vitoria devised a method which was most applicable and useful in law then as today. Added to his study of philosophy was his training in theology. Here he had the advantage of studying the *Summa Theologica* of St. Thomas Aquinas. So much did he follow the Angelic Doctor's teach-

ing on law and on war, that Vitoria is considered the link between St. Augustine and St. Thomas on one hand and the later Christian school of international jurists which followed him and developed his principles.

In a letter written in 1534, Vitoria condemned vehemently the early conquests of Pizarro in Peru and the imprisonment of the Inca chief, Atabalipa. Earlier, in 1532, he had given his series of readings on the relations of Spain to America. These were the famous disquisitions on the dealings of the Spaniards with the Indians. In them, Vitoria conceived a single moral standard applicable to all men and to State and man alike. Many authorities look upon these lectures of Vitoria as the foundations of modern international law, although his famous lectures on the Indians (*De Indis*) and the lectures on the morality of war (*De Jure Belli*) did not appear until 1539. Vitoria's Doctrine completely refuted the thesis of Machiavelli that the State and the relations of States had no relation to morality. Machiavelli in his celebrated book, *The Prince*, (1513) had made every monarch an absolutist with his doctrine that the will of the king is law. His arguments that the king is superior to constitution and parliament, that no moral or religious considerations can hamper his power and that he may employ any means including murder to advance or safeguard his rule, fostered a despotism that undermined the Church's moral arm.

During the years 1538-39, Emperor Charles V corresponded with Vitoria and invited him to resolve certain doubts put forward by the Franciscan John de Zumárraga, first archbishop of Mexico. These doubts concerned the evangelization and education of the Indians. Indeed, the Emperor personally attended the *lectiones* of Vitoria, although he took offense at certain doctrines of the Master. He even went so far as to attempt to forbid Vitoria to teach on such matters. This did not deter Vitoria, however, for he was a defender of the poor, true champion of justice, and entirely free of any respect for persons.

In that age of internationalism in which he lived, Vitoria was eminently fitted to become the founder of modern international law. The events were there. America had been discovered. The conquistadores were claiming that their ruthless methods were justifiable. What was the answer? Who would give that answer?—"There was a man sent from God. . . ." Melchior Cano, one of Vitoria's greatest pupils, and others since then, firmly believed that God raised up Francisco de Vitoria to show men the truth again. Only in Spain could such a man be found. Elsewhere on the continent, the Reformation had brought about a complete severance between morals and politics, thus

causing theology's fall from her regal throne. Even among Catholics, the prevalent theories of humanism and of revolt were promoting indifference to Christian moral teachings. Spain alone had a flourishing school of theology at the University of Salamanca. Here it was that Francisco de Vitoria was to revive sound principles of theology and make them adequate to the conditions then existing. His doctrine succeeded because it was a Christian's view of the world. More important than that, it was and is God's view of the world. For the principles which Vitoria used as the basis of his treatment of his subject matter in *De Indis* and *De Jure Belli* have an ever-present, universal and practical application, irrespective of continents and races and times. The political and historical times of today have shown a need for employing a sound international law such as Vitoria proposed during his time. That great Dominican's principles are fundamental and must rule the relations between nations today. Whatever applications may be necessary must come through the schools of Christian jurisprudence which have carried on in the spirit of Vitoria's monumental work.



## CONQUISTADOR IN WHITE

BENEDICT JOSEPH, O.P.



IN THE EVE of the epoch-making discovery of America, Francisco de Vitoria was born in Spain.<sup>1</sup>

While he was still a boy, his parents moved to Burgos, the political and intellectual capital of Castile. At Burgos was the Dominican Convent of San Pablo. Attracted by the piety, learning, and preaching of the Friars there; drawn by their ideal, devotion to truth; and encouraged by his brother, Diego, already a Dominican, Vitoria applied for admission to the Novitiate. Upon his profession of vows, a year later, he was sent to the Convent of St. James in Paris where, after his courses in Theology, he was ordained priest.

When he arrived at Paris, he found the University's intellectual life decadent. The theologians constantly engaged themselves in philosophic subtleties, hair-splitting distinctions, and purely speculative questions, giving no thought to the practical problems of the day. They knew of the discoveries of America, Venezuela, and of the conquests of Puerto Rico and Cuba, and should have coped with the new problems of morality these discoveries raised; but, men and morals did not concern them. Like them, their method of teaching, in general, was formal, stilted, and lacked interest and novelty; their language was worse. Of the sad conditions existing at the University, Erasmus with biting sarcasm wrote: "Are there any brains more imbecile than those of the theologasters? I knew nothing more barbarous than their speech, more coarse than their understanding, more thorny than their teaching, more violent than their discussions."<sup>2</sup>

But Vitoria did not fall victim to these unfortunate circumstances; rather, he rose above them, keeping his goal always before him—newness of approach to old problems and application of old principles to new problems, beauty of style, and the freedom of truth from the bondage of formalities and subtleties.

Fortunately, Vitoria had the renowned Dominicans, John Fennarius and Peter Crockart, as professors. Peter Crockart, formerly a

<sup>1</sup> Authors disagree on the date of Vitoria's birth. Fr. L. Getino, O.P., Vitoria's most reliable biographer, fixes the date between 1483 and 1486.

Vitoria, the town of Francisco's birth is Spanish, not Italian; it is spelled either Victoria or Vitoria. Outside of Spain, when used as Francisco's surname, it is often inaccurately Italianized into Vittoria.

<sup>2</sup> *The Classics of International Law, Victoria*, edited by James Brown Scott. Introduction (Tr. John Pawley Bate) by Ernest Nys. Washington, Carnegie Institution, 1917. p. 67.



Nominalist, but now an ardent lover of St. Thomas Aquinas, gave him his solid foundation in theology. The humanists who were at the University aroused in him a greater love of the Classics, gave him certain ideals which he later expressed more refinedly, and opened his eyes to the needs of the people in a new and enlarged world.

Vitoria saw that theology, especially moral theology, could no longer remain separated from current affairs, from the actions of men and nations. He knew that moral theology to be vital must be applied to individual cases; otherwise, it would lose all its force and become only a consideration of opinions. So, far from staying in the clouds, he turned his mind more and more to current problems. As a result he surpassed his contemporaries in the knowledge of world affairs and became the prime internationalist of his day.

In 1513, a general chapter of the Order, quickly realizing Vitoria's potentialities, designated him for higher studies; two years later, the Order confirmed him in the office of lecturer on the "Book of Sentences" of Peter Lombard; and finally, it appointed him professor in *Magnis Scholis*, where he taught until 1520 when he was admitted by the Sorbonne. The next year he received the degree of licentiate in theology.

The reputation of Vitoria spread. It passed over the Pyrenees where the Spanish Dominicans were watching with eagerness Vitoria's success. They were waiting for an opportunity to call him back to their own peninsula; and in 1523, the opportunity came. The Master General, a Spaniard, appointed him master of studies at St. Gregory's, Valladolid. After three years here he became *prima* professor at Salamanca.

At the death of Pedro de Leon in 1526, the *prima* chair of theology at Salamanca became vacant. Being a chair of great importance and dignity, it was the envy of all the professors. Its importance is shown by the fact that the professor who held it conducted his classes at the hour of prime, or six in the morning, the first class of the day; its dignity, by the professor's required qualities, his reputation, personality, and method of lecturing. Upon the request of his superiors, Vitoria competed for and won the chair, holding it until his death twenty years later.

When Vitoria became the *prima* professor, Salamanca was fighting to retain its title as the greatest University in Spain. The demands of Spain's European and American wars were draining the Universities of their young students. Learning was considered great; but the art of fighting, greater. Too, the very prestige of Salamanca was threatened by the magnificence and promise of Cardinal Cisneros's new

University. Added to these difficulties was the constant danger of interference by the Emperor or Pope.

Undaunted by these obstacles, Vitoria began working ceaselessly to build up the reputation of the University. He set up new scholarships to attract more students, especially religious; freed the university from papal and imperial interference; and so restored and vitalized theology that the prestige of the University arose anew and far surpassed any that it ever enjoyed, thus making him Salamanca's second founder.

No sooner had Vitoria begun to lecture at the University than he had to defend Erasmus against the violent attacks of his enemies. Though endowed with a brilliant mind and great literary gifts, Erasmus was not a deep thinker, and consequently, not the right man to defend the Church in its critical moments. Though he was considered by many, including Pope Clement VII, a great defender of the faith, he unwittingly went to extremes in denouncing the abuses, going so far as to attack legitimate religious practices.

But if Erasmus had friends, he had enemies, too. Headed by Vitoria's brother, Diego, the theologians of Spain were planning an attack against Erasmus. Learning of the plot and hoping to prepare him for it, Juan Luis Vives wrote Erasmus to seek Vitoria's help. "Diego Vitoria," he wrote, "has a brother, Franciscus de Vitoria, like him a Dominican, a Theologian of Paris, a man of genuine reputation, in whom much confidence is placed; more than once he defended you at Paris before numerous theologians; from his childhood he has occupied himself with literature; he admires you, he adores you. He is a teacher at Salamanca, where he holds what is called the primary [*prima*] chair."<sup>3</sup>

Erasmus' appeal to Vitoria was too late to avert the impending storm in Spain. Already the Dominicans had struck the first blow. The Friars, followed by other Religious Orders, preached so eloquently against Erasmus that the people rioted in the streets. Things came to such a state that the Inquisitor general of Manrique had to call an assembly to settle the whole issue. Though Vitoria was among those who defended Erasmus, the assembly terminated in the defeat of Erasmus.

The Erasmusian question finished, Vitoria returned to Salamanca where he worked tirelessly to restore theology as the queen of the sciences. For him, no branch of knowledge escaped the influence of theology. In the place of the *Sentences* of Peter Lombard, he intro-

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Nys, *op. cit.*, p. 79.

duced St. Thomas Aquinas' *Summa Theologica* and wrote excellent commentaries on tracts of it. With scrupulous care, he prepared his lectures; and to keep them fresh, lively, and up-to-date, he tore them up each year and prepared them anew. He introduced a system of dictation whereby the students could more easily preserve his comments and explanations. Fr. D. A. Mortier, O.P. sums up beautifully the method of instruction and the qualities of the great professor. He wrote:

Franciscus de Victoria came up to all hopes, he even surpassed them. Under his powerful direction the College of Salamanca attained a position unique in Spain. His manner of teaching distinguished him from most of the other professors. Instead of the aridity of scholastic formulas, which he employed only in order to lay the bases of his teaching, he knew how to bring out eloquently their beauty and their grandeur. He did not despise elegance of diction; he loved to support the conclusions of theology by happy citations from the Fathers and by the facts of ecclesiastical history. His courses, made attractive by the grace of his language, rapidly reached universal favor. Solidity of doctrine with elegance of instruction, this is what was afforded by the long professorate of Franciscus Victoria. For twenty years he filled the chair of theology at Salamanca, from 1526 to 1546, that is, until his death. He had the shaping of most illustrious disciples: Melchior Cano, Domingo Soto, Bartholomew of Medina, and many others boasted of having had him for their master. It was he who, according to their own admission, as well as according to the admission of savants outside the Order, restored theological teaching in Spain; it was he who, uniting solidity of doctrine to a literary style, provided the method which it was necessary to follow in order to win back for theology the place of honor. He did not write, but his disciples, greedy to hear him, piously gathered together his learned discourses. At least some of them were subsequently published.<sup>4</sup>

Vitoria did restore theology to its place of honor, but not without a fight. Every reformer must expect opposition, and Vitoria was a reformer. The opposition came when he began discussing publicly the policies of Spain. At the University there was a custom which allowed the professor to discuss publicly the subject matter he covered during the year. These discussions or debates were called *Relectiones* or re-readings. During them, Vitoria took up the cause of the Indians, attacked certain claims of the Emperor, and condemned the atrocities committed by the Conquistadores.

About the atrocities and the abuse of benefices, Vitoria wrote to

<sup>4</sup> D. A. Mortier, O.P., *Histoire des maîtres généraux de l'Ordre des Freres Precheurs*, vol. v (Paris, 1911), p. 379-380. Quoted from Nys, *op. cit.*, p. 70.

Father Arcos:<sup>5</sup> ". . . Owing to my lengthy studies and extensive experience, I am no longer startled or shocked by any of the questions which come to my attention, with the exception of benefices held through trickery, and events in the Indies," at the thought of which "my blood runs cold."

Vitoria tried to avoid discussing the questions of benefices and the conquerors of Peru. But it was impossible to hide his true feelings, especially, when the group enjoying the benefices appealed to the Vatican, saying that Vitoria was questioning Papal acts; and those of the other group informed the Emperor that imperial policies in the Indies were being criticized. To these attacks, Vitoria answered: "I acknowledge my fault; for in so far as I am able, I avoid quarrelling with these people. But if, in the end I am absolutely compelled to give an unequivocal answer, I shall state my true opinion." The end inevitably came, and with it came his readings (*Relectiones*) "On the Indians Recently Discovered" (*De Indis*), in which he presents the false and true titles alleged by the conquerors, and "On the Law of War" (*De Iure Belli*).

When the Emperor, Charles V, heard about the *Relectiones*, he was furious. The man who had once counselled him in delicate matters of conscience and in important public affairs now became the victim of his wrath. Without waiting for a publication of the *Relectiones*, he wrote the following letter to the prior of San Esteban, who, at that time, was Dominic Soto, the *vespera* professor.

I have been informed that certain clerics who are teachers in your monastery, have taken it upon themselves to discuss, in their sermons and dissertations, Our right to the isles of the Indies and to the lands across the ocean; and also the force and validity of the reparations which have been and are being made within Our domains, under the authority of our Most Holy Father, [the Pope]. Since the treatment of these matters, unknown to Us and without previously advising Us of such a discussion, is not only extremely pernicious and scandalous, but might also result in grievous impiety toward God, in disrespect towards the Apostolic See and the Vicar of Christ, and in injury to the Royal Crown of these domains, We have resolved to recommend, and do recommend and command, that hereupon and without delay, you shall summon to your presence the said teachers and clerics who have dealt with the above-mentioned subjects or with any phase of those subjects, whether in sermons, or in dissertations, or in any other manner whatsoever, either publicly or secretly; and that you shall receive from them a deposition, made under oath, concerning the times, places, the auditors of the discussions and affirmations aforementioned. . . . You shall com-

<sup>5</sup> *Francisco De Vitoria and his Law of Nations*, by J. B. Scott, Oxford, Clarendon Press, 1934, pp. 78-79.

mand the [clerics and teachers] in question to refrain, now and at all future times, from engaging in discussions, sermons, or debates, without Our express permission, regarding the topics to be printed. And if my bidding in this matter be disregarded, I shall consider that a grave offence against me has been committed, and shall take such steps as the case demands."<sup>6</sup>

But the royal wrath soon cooled in the face of Vitoria's courageous presentation of the truth. The Emperor again turned to Vitoria, requesting an opinion on the conversion of the Indians, especially about their baptism. Several years later, in 1545, he invited him to represent Spain at the Council of Trent. Vitoria had to refuse because of his health. He wrote to Prince Philip:

... I should indeed rejoice to form part of an assemblage which, as we all hope, will labour to the glory of God, and the great benefit and relief of all Christendom. However, (blessed be the name of the Lord in all that He brings to pass!) I find myself in a condition better suited to one who departs for the next world, than to one who would set forth on a journey to any region of this world; since I have not been able to take a single step for a year, and it is only with extreme difficulty that I can be moved from one spot to another.<sup>7</sup>

Within a year, he was dead.

Vitoria was dead; but not his spirit. That spirit was alive in his disciples, giving them fresh energies and filling their minds with new ideals. The illustrious Melchior Cano, the two Sotos, and Alfonso Garcia Matamoros, a few among the host of Vitoria's disciples, joined together to pay tribute to their master. Said Melchior Cano:

What doctrine I have worthy of the approval of the wise, what skill I have in the judgment of men and things, what literary culture I have above other scholastics and utilize in my works—doctrine, judgment, and eloquence I owe all to this man, whom I have followed as my chief and to whom I have yielded obedience, giving careful heed to his precepts and his admonitions. . . . The principles which I teach belong as much to my master as to myself and more; I am bound to render him this justice. I desire that the wisdom of this illustrious man be proclaimed and known to posterity. Although I acknowledge myself to be much inferior to him, I wish to render him, as best I can, the thanks that I owe him. I also beg future readers of my works to believe that my master was infinitely greater than I can say.<sup>8</sup>

Thanks to his disciples, Vitoria's spirit was kept alive and handed on to succeeding generations. Four centuries have felt but not realized his influence in the field of international law. Today, however, legal

<sup>6</sup> Scott, *op. cit.*, pp. 85-85.

<sup>7</sup> *ibid.*, p. 87.

<sup>8</sup> Nys, *op. cit.*, pp. 70-71

philosophers, jurists, and historians, have been forced to pay homage to him.

Only forty years after his death, we find Hugo Grotius, the first to devote himself entirely to the study of international policy, thoroughly acquainted with Vitoria's works, usually paraphrasing or at times quoting his very words.<sup>9</sup> As a matter of fact, Grotius agreed with nearly every proposition laid down in Vitoria's "On the Law of War."<sup>10</sup> He called Vitoria a "theologian of sane judgment"<sup>11</sup> and acknowledged in the prolegomena of his *De Iure Belli ac Pacis* that he consulted him. If Grotius excelled in philosophy, says Hermann Conring, "and produced the incomparable book, *De Iure Belli ac Pacis*, he owed it to his reading of the Spanish jurists, Ferdinand Vasquez and Diego Covarruvias, who had in their turn made use of the work of their master, Franciscus a Victoria."<sup>12</sup> Until recently, Grotius' direct indebtedness to Vitoria had not been fully recognized.

In the nineteenth century, the authors of International Law could not help but acknowledge Vitoria's greatness. Henry Wheaton, in his *History of the Law of Nations in Europe and America* praised Vitoria and devoted seven pages to an analysis of the *Relectiones* in relation to the law of nations. The great legal philosopher and jurist, James Lorimer, has praised the Spanish writers of the sixteenth century in general and Vitoria in particular, and has given a reason why Vitoria has not held a higher place in International Law. Wrote Lorimer: "The fact is, ever since the Reformation the prejudices of Protestants against Roman Catholics have been so vehement as to deprive them of the power of forming a dispassionate opinion of their works, even if they had been acquainted with them, which they rarely were."<sup>13</sup>

In spite of such prejudice, Vitoria has survived four centuries—not only because he was a jurist, philosopher, internationalist, and humanitarian; but also because he was a great theologian and moralist. A contemporary of Francisco de Vitoria called him "the splendor of the Order of St. Dominic, the honor and the ornament of theology, the model of ancient religion." Francisco, he continued, "calls down theology from heaven as Socrates in ancient times called down philosophy."<sup>14</sup>

<sup>9</sup> *Francisci de Victoria de Iure Belli Relectio*, a Doctoral Dissertation by Herbert Francis Wright, Washington, 1916, p. 20.

<sup>10</sup> *loc. cit.*

<sup>11</sup> Wright, *op. cit.*, p. 18.

<sup>12</sup> Nys, *op. cit.*, p. 98.

<sup>13</sup> Nys, *op. cit.*, p. 99.

<sup>14</sup> *ibid.*, p. 71.

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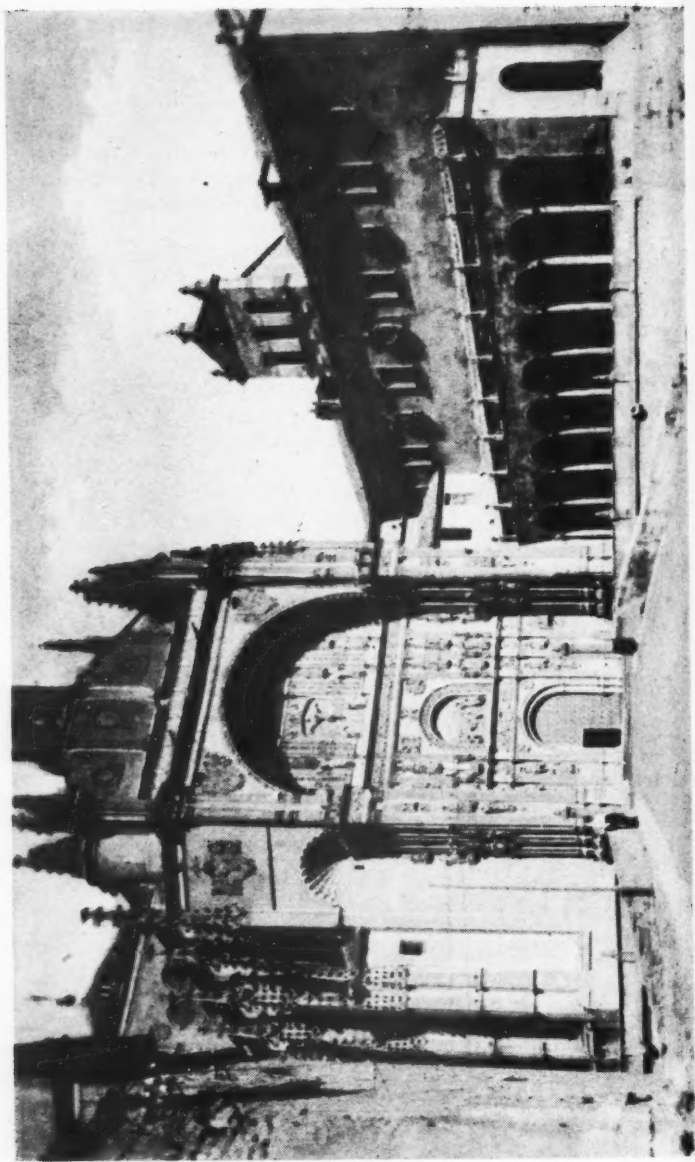
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THE CONVENT OF ST. STEPHEN, SALAMANCA, WHERE VITORIA LIVED



## VITORIA'S "LAW OF WAR"<sup>1</sup>

FRANCIS CONWAY, O.P.



THIS IS PRINCIPALLY in his *Relectiones* or Readings that we find Vitoria's thought on international law expressed. Of these, the ones which chiefly merit our attention are the complementary tracts *On the Indians* and *On the Law of War*. The first of these considers the ordinary, the other the extraordinary relations between nations. They were written at the time of the colonization of America to answer the question which was then troubling minds throughout Europe, whether the Europeans had a right to seize lands in America which were held by the Indians, especially in view of the fact that the Indians were unwilling to give them up. Although these treatises were written in reply to pressing problems of his day, the principles on which Vitoria based his answer have as practical and universal an application today as they did then.

Indeed, the treatise *On the Indians* has much to recommend it to our study, for we have seen the dreadful results of the theory of *lebensraum* applied by Germany and Italy, but the treatise *On the Law of War* is of much greater interest to us at the present time when the minds of many Christians are still troubled by basic questions raised by the war and the current efforts to arrive at an equitable peace. These questions, relating to the justice of war, the fate of prisoners of war, the capture of enemy property, reparations, the formation of consciences, and conscientious objectors, each and every one has been discussed and answered by this theologian, with a remarkably realistic approach, and with conscience and the moral law as his supreme guides.

Vitoria proceeds in traditional scholastic fashion; first, he sets forth the objections, then he gives the proof of his doctrine, and after this he answers the objections and difficulties. As will be seen, they are real problems, and not at all straw men. He sets for himself four basic questions. They are as follows:

- 1) May Christians wage war at all?
- 2) Where does the authority to declare and wage war repose?
- 3) What may and ought to furnish causes of just war?
- 4) What and how extensive are the measures which may be taken against the enemy in a just war?

<sup>1</sup> For the most part this paper is a paraphrase and summation of the translation of Vitoria's "De Jure Belli" by John Pawley Bates, Carnegie Foundation of Washington, Washington, D. C., 1917.

(1st Question) War seems to be prohibited entirely by certain Gospel texts used by many Christian pacifists today: for instance, the words of our Lord: "I say to you not to resist the evildoer; on the contrary, if someone strike thee on the right cheek, turn to him the other also" (Matt. 5, 39); and "all those who take the sword will perish by the sword." (Matt. 26, 52) Moreover, says Vitoria, it is no sufficient answer to say that these words of Christ are not of precept, but of counsel, for it would be a grave enough impropriety if every war undertaken by Christians was contrary to the counsel of our Lord.

The answer to this question Vitoria sets down in a single terse proposition, as is his custom: Christians may serve in war and make war. He proves this (1) on the authority of St. Augustine, who has thoroughly considered the question in many passages of his writings; (2) on the authority of St. Thomas also; (3) he cites examples from the Old Testament to show that just war was allowed by the law of nature and by the written law, and consequently war is justifiable under the law of the Gospel, which forbids nothing allowed by the natural law. (4) Just as in a defensive war force may be employed to repel force, so also in offensive war, in order that we may avenge ourselves for an injury done us. Moreover, (5) even a defensive war could not be waged satisfactorily, were no vengeance taken on enemies who have done or tried to do us a wrong; for they would be emboldened to a second attack if they had no fear of reprisals. Then too, (6) the end and aim of war is the peace and security of the State. This could not be secured if all that the State could do when enemies attack it was to ward off the attack, yet be forbidden to follow it up by further steps, for there can be no security in the State unless enemies are made to desist from wrong through fear of reprisals. A further proof (7) comes from the end and good of the whole world, which demands the power of recourse to war, for there could be no happiness but rather utter misery, if oppressors could with impunity commit their crimes on the good and innocent and these could not punish the guilty. Lastly, (8) we have the example and authority of good and holy men at all times who have not only defended their country, but also in offensive wars have sought reparation for wrongs done or attempted by their enemies.

(2nd Question) Here Vitoria raises an important question: In whose hands rests the authority to declare and make war? He answers: Every State has this power, since, as Aristotle says, a State ought to be sufficient unto itself. But it could not sufficiently conserve

the public good and the position of the State, if it were unable to avenge a wrong and take measures against an enemy, for wrongdoers would be more prepared to commit evil if they could do so with impunity. Moreover, a ruler has the same authority in this respect as the State has, for the ruler holds his position only by the election of the State. As such, he is its representative and wields its authority.

*(3rd Question)* In this question Vitoria touches on a very delicate point, as he himself indicates in passing, namely, the causes of a just war. He lays down a series of propositions that may well have caused ruffled tempers in the royal court, in view of its colonizing efforts:

- 1) Difference of religion is not a cause of just war.
- 2) Nor is the extension of empire. This is too well known to need proof, for otherwise each of the two belligerents would have an equally just cause, and so each would be innocent, which would involve a contradiction.
- 3) Personal glory of the ruler or any advantage accruing to him is not a just cause of war. For a ruler ought to subordinate both peace and war to the common welfare of his State and not to spend public revenues in quest of his own glory or gain, much less expose his subjects to danger on that account. For herein lies the difference between a true king and a tyrant, that the latter directs his government to his individual profit and advantage, but a king to the public welfare. For the king derives his authority from the State and therefore must use it for the good of the State.
- 4) The only just cause for commencing a war is a wrong received from the enemy. Vitoria holds this on the authority of St. Paul (Rom. 13, 4), St. Augustine, St. Thomas. Even an offensive war is for the purpose of avenging a wrong and taking measures against an enemy. For there can be no vengeance without a preceding wrong and injury. Hence it is clear that we may not turn our sword upon those who have done us no harm, the killing of the innocent being forbidden by natural law.
- 5) Only a very grave wrong done to a State is sufficient reason for commencing war. Since the evils inflicted in war are all of such a severe and atrocious character, such as slaughter and fire and devastation, it is not lawful on the grounds of slight wrongs to pursue the authors of the wrongs with war, for the degree of the punishment ought to correspond to the measure of the offense.

(4th Question) The author now concerns himself with the prosecution of war, asking what and how extensive are the measures which may be taken against the enemy in a just war. He replies: (1) whatever the public good requires is lawful, since the aim of war is the defense and preservation of the State; (2) lost territory may be recovered; (3) reparations may be exacted from the enemy for the expenses of the war and all damages wrongly caused by the enemy; (4) the ruler may destroy enemy fortifications, keep an army of occupation, erect his own fortifications to insure the pacification of the enemy; (5) he may take against the enemy measures sufficient to deter him from like conduct in the future, and to preserve the peace and tranquillity of his State.

Many difficulties will be raised in the minds of conscientious objectors by what has just been said. Vitoria foresees these objections and now proceeds to consider them in order.

(1st Difficulty) Very emphatically Vitoria declares that it is not sufficient that the prince believe himself to have a just cause for war, for the opinion of an individual is not enough to render an act good; but it must come up to the standard of a wise man's judgment. It is essential for a just war that an exceedingly careful examination be made of the justice and of the causes of the war and that the reasons of those who oppose it on grounds of equity be heeded. For truth and justice in moral questions are hard of attainment, and so any careless treatment of them easily leads to error, an error which will be inexcusable, especially in a concern of great moment, involving danger and calamity to many, and they our neighbors, too, whom we are bound to love as ourselves.

(2nd Difficulty) But what of the subject, is he bound to examine the cause of a war or may he fight without any careful scrutiny of it? Vitoria answers: (1) if a subject is convinced of the injustice of a war, he may not fight in it, even on the command of his ruler, for no one is authorized to kill the innocent, and in this case the enemy are innocent. Consequently, subjects whose conscience is against the justice of a war may not engage in it. 2) The advisors of the king are all bound to inquire into the causes of a war to determine its justice and the king ought to hear their counsel. Whoever can save his neighbor from danger and harm is bound to do so, especially when the danger is that of death and greater ills as is the case in war. If by their neglect an unjust war is entered into, they are consenting parties thereto, for that which a man could and ought to prevent is imputed to him, if he does

not prevent it. 3) The common people, however, are under no obligation to examine the causes of a war, but may serve in it in reliance on their leaders. For them it is sufficient proof of the justice of a war (unless the contrary is quite certain) that it is being waged after public counsel and by public authority.

(3rd Difficulty) In this place Vitoria treats the somewhat academic question of the mode of determining the justice of a war when there are apparent and probable reasons on both sides. His general conclusion is that the *status quo* should remain when one country is in possession of territory to which neither it nor a contending country has a clear title, since in doubtful matters the party in possession has the better position. If, however, neither is in possession, and both have an equal right, and if one party wishes to make a settlement the other is bound to accept his proposal; even if that be the stronger and able to seize the whole by armed force; for when the merits of a quarrel are equal, one side does no wrong by claiming an equal part of the thing in dispute. So long as the doubt remains the possessor may lawfully retain his territory. What has just been said applies to rulers seeking to know the justice of their causes.

Vitoria now returns to a more thorough treatment of the formation of conscience of the individual subject. He is bound to follow his prince to war not only in the case of defensive but even of offensive war, and this when the justice of the war is doubtful. For the ruler is not able, and ought not, always to render reasons for the war to his subjects, and if subjects cannot serve in war except when they are first satisfied of its justice, the State would fall into grave peril. In doubtful matters the safer course ought to be followed. If such subjects do not go to war, they expose themselves to the risk of betraying their State to the enemy, and this is a more serious thing than fighting the enemy in spite of the doubt they have.

(4th Difficulty) Can a war be just on both sides? On the part of the war itself, this is clearly impossible, for if the right and justice of each side be certain it is unlawful to fight against it, either in offense or defense. Yet assuming a probable ignorance either of fact or of law, it may be that on the side where true justice is, the war is just in itself, while on the other side the war is just in the sense of being excused from sin by reason of good faith, because invincible ignorance is a complete excuse. This often takes place on the part of subjects even if the ruler who is waging the war knows of its injustice, for the subjects may in good faith follow their ruler and in this way the subjects of both sides may be doing what is lawful when they fight.

(5th Difficulty) If one has gone in ignorance into an unjust war, and is subsequently convinced of its justice, is he bound to make amends for it?

- a) The ruler, if he could easily have learned of the injustice of the war, is bound to restore all he has taken when he learns of its injustice, but he need not return what he used up, for he has used it while in good faith.
- b) The subject is not bound to make good what has been used up any more than the other side would be, because his fighting was lawful and in good faith.

Vitoria now renews his discussion of the difficulties which have arisen from the fourth question, the degree of force that can be brought against the enemy.

(1st Difficulty) Is it lawful in war to kill the innocent? He answers: the deliberate slaughter of innocent parties is never lawful in itself, and this on the authority of Sacred Scripture, "the innocent and righteous slay thou not" (*Exod.*, 23). This, however, does not mean that innocent parties may not defend themselves against those who try to kill them. Women and children are considered as noncombatants, but this obviously does not hold in the case of an individual woman who commits hostile acts. The same is true of harmless farmers, and the rest of the civilian population, for these are all presumed innocent until the contrary is shown.

Yet sometimes it is right to slay the innocent even knowingly, as when a fortress or city is stormed, although it is known that there are innocent parties in it, and although cannon cannot be discharged or fire applied to buildings without destroying innocent together with guilty. But it is never right to slay the innocent, even as an indirect and intended result, except when there are no other means of carrying on the operations of a just war.

Nor is the killing of guiltless persons such as youths who are not yet soldiers yet will carry arms hereafter, lawful, even when they may be expected to cause danger in the future. As Vitoria says, I believe it is in no wise right, seeing that evil is not to be done, even in order to avoid still greater evil, and it is intolerable that anyone should be killed for a future fault.

(2nd Difficulty) Vitoria here touches upon the legality of seizure of property of innocent enemy subjects. He grants that it is lawful to

seize things that the enemy would use against us, such as arms, ships, etc., otherwise we could not insure our victory. It is also lawful to take the money of the innocent, to burn and destroy their grain and to kill their livestock, if this is requisite in order to sap the enemy's strength. If the war drags on for an indefinitely long time it is lawful utterly to despoil all enemy subjects, guilty and guiltless alike, for it is from their resources that the enemy is feeding an unjust war, and on the other hand his strength is sapped by the spoliation of his citizens. If, however, the war can be carried on without spoliation of innocent folk, they ought not to be despoiled. Yet whatever has been seized lawfully is not subject to restitution.

(3rd Difficulty) This difficulty treats of the lawfulness of reducing the innocent to slavery. Vitoria carefully distinguishes in his answer, that although it is permissible in the same way to carry the innocent into captivity as it is to despoil them, since liberty and slavery are included under the goods of fortune, still it should be only as a last resort, and even then not into slavery as such, but that we may further weaken the enemy by demanding a money ransom from them. Yet even this, he says, must not be pushed beyond what the necessity of war may demand and the custom of lawful belligerents has allowed.

(4th Difficulty) Is it lawful to kill hostages taken from the enemy, if the enemy do not abide by their promises? If the hostages are in other respects among the guilty, as, for instance, if they have borne arms, they may rightfully be killed in that case.

(5th Difficulty) Is it lawful to kill all the guilty? In the actual heat of battle, all who resist may be killed indiscriminately, as long as affairs are in peril, for combatants could not properly effect their purpose save by removing all who hinder and resist them. Here the difficulty to be solved is whether, when the victory has been won and the enemy are no longer any danger to us, we may kill all who have borne arms against us. Vitoria answers yes, on the authority of *Deuteronomy* 20. For war is ordained not only for the recovery of property, but also for the avenging of wrongs. Therefore the authors of a past wrong may be killed for it. Yet merely for the avenging of a wrong it is not always lawful to kill all the guilty. We must take into account the nature of the wrong done by the enemy and the damage they have caused, and with that in mind, to move to our revenge and punishment without any cruelty and inhumanity.

Yet the measure of the punishment must be proportionate to the



offense, and vengeance ought to go no further. For in the matter account must be taken of the consideration that subjects are not bound and ought to scrutinize the cause of a war, but can follow their ruler into it in reliance on his authority and on public counsels. Hence, in the majority of cases, although the war be unjust on the other side, yet the troops engaged in it . . . are innocent on both sides. And therefore after their defeat when no further danger is present, they may be not killed, not only not all of them, but not even one of them, if the presumption is that they entered the strife in good faith.

(6th Difficulty) Is it lawful to slay those who have surrendered, or been captured, supposing them to have been guilty? There is nothing, absolutely speaking, to prevent the killing of these, so long as equity is observed. But according to the rules of war which have been fashioned by the law of nations, captives, after the victory has been won, are not to be killed.

(7th Difficulty) Does everything captured in a just war become the property of the seizer? Yes, up to the amount which provides satisfaction for the things wrongfully seized, and which covers expenses also. All movable goods vest in the seizer by the law of nations, even if in amount they exceed what will compensate for damages, but only in a manner proportionate in kind and degree to the wrong one, according to the estimate of a good man. Moreover, the sacking of cities is not to be permitted, without the greatest necessity and weightiest reasons, and soldiers who loot or burn without authority are bound to restitution.

Yet there is no doubt about the lawfulness of seizing immovables of the enemy, such as land and fortresses and towns, so far as is necessary to obtain compensation for the damage he has caused. Likewise, in order to obtain security and to avoid danger from the enemy, it is also lawful to seize and hold a fortress or city belonging to him which is necessary for our defense or for taking away from him an opportunity of harming us. However, if necessity and the principle of war require the seizure of the larger part of the enemy's land, and the capture of numerous cities, they ought to be restored when the strife is adjusted and the war is over, only so much being retained as is just in way of compensation for damages caused and expenses incurred, and of vengeance for wrongs done, and with due regard for equity and humanity, seeing that punishment ought to be proportionate to the fault.



(8th Difficulty) Is it lawful to impose a tribute on conquered enemies? Yes, and not only in order to recoup losses, but also as a punishment and revenge.

(9th Difficulty) Is it lawful to depose the rulers of the enemy and to appoint new ones, or to keep the rule for oneself? This is not unqualifiedly permissible, for punishment should not exceed the degree and nature of the offense. Sometimes, however, there may arise sufficient and lawful causes for such an action, especially when security and peace cannot otherwise be had of the enemy and grave danger from them would threaten the State if this were not done.

Vitoria terminates this *relectio* with three canons for waging war properly, so wisely formulated that, in the words of James Brown Scott, "they will stand alone as long as war is permitted in the enforcement of justice."<sup>2</sup>

First canon: Assuming that a prince has authority to make war, he should first of all not go seeking occasions and causes of war, but should, if possible, live in peace with all men, as St. Paul enjoins on us (*Romans*, xii). Moreover, he should reflect that others are his neighbors, whom we are bound to love as ourselves, and that we all have one common Lord, before whose tribunal we shall have to render our account. For it is the extreme of savagery to seek for and rejoice in grounds for killing and destroying men whom God has created and for whom Christ died. But only under compulsion and reluctantly should he come to the necessity of war.

Second canon: When war for a just cause has broken out, it must not be waged so as to ruin the people against whom it is directed, but only so as to obtain one's rights and the defense of one's country and in order that from that war, peace and security may in time result.

Third canon: When victory has been won and the war is over, the victory should be utilized with moderation and Christian humility, and the victor deem that he is sitting as judge between two States, the one which has been wronged and the one which has done the wrong, so that it will be as a judge and not as an accuser that he will deliver the judgment whereby the injured State can obtain satisfaction, and this so far as possible should involve the offending State in the least degree of calamity and misfortune, the offending individuals being chastised within lawful limits; and an especial reason for this is that in general among Christians all the fault is to be laid at the

<sup>2</sup> Scott, *The Spanish Origin of International Law. Francisco de Vitoria and His Law of Nations*. Oxford, 1934. p. 241.

door of their princes, for subjects when fighting for their princes act in good faith and it is thoroughly unjust, in the words of the poet Horace, that "for every folly their kings commit the punishment should fall upon the Greeks."

In the words of Brown Scott, "The rules which Vitoria here has laid down are often harsh, for war is cruel. But on the reading on war Vitoria restates the rules as they should be in accordance with his moral conception of things. He no doubt looked upon the reading in question as an imperfect performance, in that the time at his disposal would not permit him to discuss the subject according to "the amplitude and dignity of the theme." Therefore he could deal with only the main propositions, and with "very brief proofs"; and, as the disquisition was in the form of a series of notes on fundamental points, a conscious limitation caused him to "abstain from touching on the many doubtful matters which might otherwise be brought into this discussion."<sup>3</sup>

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<sup>3</sup> *ibid.*, p. 197.

## NUREMBERG AND VITORIA

URBAN VOLL, O.P.

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THE WAR CRIME TRIALS in Nuremberg are a great crisis in modern history. They represent a revolution from the past, and present a challenge to the future. Not because criminals were tried and punished; that has been, and is done every day. Not because these criminals headed a nation; defeated leaders been tried and punished before this. It is the "why" of the trials, the legal basis for conducting the trials that is important. This is important because, in spite of some weak-kneed arguments used to justify the trials, they have been based on the solid rock of a great truth. This is important because that great truth, disputed and denied in modern speculation, has been shown by the very force of circumstances to be the only way out of the present labyrinth of problems. At a time when man's discoveries threaten to destroy him, this great truth rediscovered at Nuremberg offers a hope of wisdom and sanity to the jangled nerves of a war weary world.

### THE JUSTIFICATION OF BERNAYS

In an article in the *Reader's Digest*, Colonel Murray C. Bernays, who, as military adviser to Justice Jackson, helped formulate the legal basis of the war crime trials, presents the justification of Nuremberg as he sees it. To those who challenge any basis in law for these trials, Colonel Bernays attempts to prove that our Government was fully justified in taking its place on the International Tribunal which tried the twenty-one Nazi war criminals. Bernays asks what was the law under which the defendants at Nuremberg were tried. His answers are not completely satisfactory. The multiplication of arguments and a certain dogmatic tone withal seem to betray a fundamental uneasiness.

More specifically, he uses several arguments which opponents of the trial could easily meet. He cites the Moscow Declaration of 1943 as sufficient warning to the Axis criminals that they would be tried by the joint decision of the Allies.<sup>1</sup> But this is no argument for the justice of the trials. The joint decision of the Allies might just as well have been the joint decision of the Axis. Had the Axis won the war,

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<sup>1</sup> Bernays, Murray C., "The Legal Basis of the Nuremberg Trials," *Reader's Digest*, Pleasantville, N. Y. (February, 1946), p. 59.

the Japanese Admiral who promised to dictate the peace from the White House might similarly have used his previous promise as the basis for the punishment of American leaders. If the argument is that the Allies were in the majority (Bernays quotes Justice Jackson who says the trials represent "the will of 18 governments representing an overwhelming majority of all civilized people"<sup>2</sup> the opponents may ask whether there are instances in legal history when the majority of a jury have been wrong. But Colonel Bernays says there can be no question of a wrong decision. "It is beyond dispute," he says, "that the wars were aggressive in fact."<sup>3</sup> But is it beyond dispute? Unquestionably beyond dispute on the part of one of the litigants. Yet at some future date, when the heat of passion has cooled, when many facts now hidden have come to light, may not history give a somewhat different verdict? A comparison of current opinion and opinion contemporaneous with the Civil War reveals quite a dichotomy about the same event.

However, it is by no means our contention that the German leaders were not aggressive. We merely wish to point out that there is a possibility of injustice on both sides, and that the fact of aggression is not obvious, as Colonel Bernays would have us believe. If it were, there would be no point to a trial. If the evidence were so overwhelming, punishment by decree would have saved a great deal of time and expense. Some of the opponents of the trial have argued that, in spite of all the legal rigamarole, that is actually what the trial was—a punishment by decree with elaborate ceremonial for publicity purposes. They base their argument on the fact that the jury was composed of those who were more than a little interested in the outcome. This is quite all right, Bernays assures us, for no jury is really impartial, inasmuch as it is always partial to justice. He says: "The addition of neutrals to the Nuremberg court would have been an *unusual* rather than a usual step."<sup>4</sup> Notwithstanding Colonel Bernays, the usual procedure in any court is to pick a jury which may be reasonably absolved of prejudice in the case.

Ultimately, however, it seems that the answer of Colonel Bernays to his own question is without reference to any of the above arguments an appeal to the Hague Convention and the Kellog-Briand Pact. The Kellog-Briand Pact was more than a contract, the argument runs, it was a law. "It (the Pact) reads that the parties '*condemn* recourse to war.' Lawyers know that the word '*condemn*' has the

<sup>2</sup> *Ibid.*, p. 57.

<sup>3</sup> *Ibid.*, p. 61.

<sup>4</sup> *Ibid.*, p. 60.

connotation of criminality."<sup>5</sup> If this argument is correct, (lawyers consulted had never heard of this particular meaning of the word "condemn") the law was established before the crime. But no sanction was attached to the crime by law, and it would seem that the addition of the sanction now constitutes a retroactive, and therefore invalid, addition to the law as applied to these particular breaches of the law.

But probably the best argument used by Bernays (besides the really valid one which he hints at throughout) is that the crimes committed were "constituted violations of *internal* penal laws,"<sup>6</sup> which, although never deleted from the statute books, were not enforced on members of the Nazi party. Under the instrument of surrender, the occupying powers exercise all judicial authority in Germany. This argument is valid, but covers only those crimes which come directly under German penal law. Actually, the defendants are charged with other crimes, most of them referred to as crimes against humanity.

In meeting some of the arguments of the *Reader's Digest* article, it is not our intention to disprove or even weaken the legal basis for Nuremberg. We do intend to clear the ground of all specious sophistries and half truths which can be met by the critics of the trials, and show exactly where and what is the true legal basis of such an international trial. In this respect, we are in the position of the Catholic apologete who argues against the Protestant acceptance of the Scriptures, not because he rejects the Scriptures, but rather because he wants their acceptance to be put on a true and sound basis. The truth has no need of lies, and half truths and sophistries do nothing but discredit the cause they were designed to defend. Nor is it our intention to defend the conduct of the trials. Our only concern is to show that the Nuremberg trials, and any international trials of like nature, cannot be justified except under the traditional philosophy of a Law of Nations based on the Natural Law.

#### THE CAUSE OF THE CONFUSION

This is precisely why there has been so much confusion on the point. The modern philosophies of jurisprudence are not adequate, and their inadequacy becomes painfully apparent in the international sphere. Since Kant tried to separate the moral and juridical orders, the philosophy of law has been frankly voluntaristic. In the last analysis, this is nothing less than saying that might makes right. Hobbes was one of the foremost proponents of this legal philosophy when he

<sup>5</sup> *Ibid.*, p. 62.

<sup>6</sup> *Ibid.*, p. 59.

said that man is to man a wolf. Now if man is to man a wolf, and not a man, we have no business in punishing Nazi wolves. At any rate, we cannot speak of a *just* punishment of our enemies, nor can we complain that our enemies have done anything *unjust* by being wolves instead of men. Hobbes tried to escape this impossible situation by constituting the State as Leviathan, the norm of morality. Hegel went further, and considered the State the incarnation of God on earth. And this was the tenor of thoughts throughout modern philosophy. According to these ideas, and their latest development in Pragmatism, any law proposed by one having sufficient power to back it up is a good law. Might makes right. Incredible? Unheard of today? Much of the controversy between "Idealism" and "Realism" at the San Francisco Conference of the U.N.O. was on this very point. The "Realists," the Pragmatists, the proponents of the "is" philosophy, and all the other legal philosophers who regarded law as will or might are speculatively what the Nazis were in practice—advocates of brute force.

Supreme Court Justice Jackson, in speaking of the need for International Law, has this to say of such philosophers:

It is a current philosophy, with adherents and practitioners in this country, that law is anything that can muster the votes to put in legislation, or directive, or decision, and backed up with a policeman's club. Law to those of this school has no foundation in nature, no necessary harmony with the higher principles of right and wrong. They hold that authority is all that makes law, and power is all that is necessary for authority. It is charitable to assume that such advocates of power as the sole source of law do not recognize the identity of their incipient authoritarianism with that which has reached its awful climax in Europe.<sup>7</sup>

This, then, is the importance of the Nuremberg trials: that they have demonstrated, if not the utter untruth, then the absolute impracticality of such theories in the international sphere. Had the enemy been summarily executed, had we asserted that our might made right, Pragmatism and all the modern theories of law as force or convenience might have gone their merry way. The German barbarians would have been replaced by the barbarians of the United Nations, and the world would be tottering on the brink of chaos. It may indeed seem to many that this has happened already, but for those who think, there is a bright ray of hope shining out from Nuremberg. For however in-

<sup>7</sup> Quoted by Judge Edward S. Dore, "Human Rights and the Law," *Fordham Law Review*, Fordham University, N. Y. (March, 1946), pp. 3-18. Judge Dore's essay is to be highly recommended as a lucid and scholarly presentation of the thesis that all law is derived from the Natural Law.

doctrinated with modern legal theories, however hazy on the notion of real International Law, the lawyers who formulated the basis for these trials still accepted in their hearts the higher concepts of right and wrong, the concept of the Natural Law as the basis of all positive law. And it was not only because they thought and said that there was a higher law than that in the statute books, but because to have a trial for international crimes at all, there had to be some kind of International Law. Now, there was, in fact, no International Law—at least, none that all were agreed on, none that could invoke a sanction. If the state were supreme, as Kant and Hobbes and Hegel said, how could there be? There was no Super-State, no international tribunal to which a wronged nation could appeal, no international police to punish the offenders of International Law. If, on the spur of the moment, the United Nations had made up an *ex post facto* International Law, and had constituted themselves the international policemen, judges, and executioners, without any reference to justice and right reason, they would have been no better than the hideous thing they had put down. But they did not do this. They did not invent a law, but rather rediscovered a law. And by so doing, they revived that International Law which is based on the Natural Law.

#### THE TRUE BASIS OF NUREMBERG

Thus, as Reverend Doctor Edmund A. Walsh, S.J. said, "It (Nuremberg) is not merely a trial of 21 individuals, but a powerful affirmation of the ethical and moral foundations of international law."<sup>8</sup> By these trials, our government placed the natural or moral law above the authority of any government. Colonel Bernays, in the article mentioned above, hints at this. "Our government," he says, "had to be satisfied that we should be doing *true justice* before the proposed course could be agreed upon."<sup>9</sup> What is true justice if not conformity to the moral law? Bernays calls this moral law "traditional law of undisputed force . . . settled principles of law (which are) . . . by common and universal acceptance . . . so clear that nobody will raise any question about it."<sup>10</sup> He speaks of it as "the decent opinion of mankind before which our Founding Fathers brought their case."<sup>11</sup> He quotes the Hague Convention which states that: "in cases not specifically provided for, the touchstone is to be 'the rule of the prin-

<sup>8</sup> Walsh, Rev. Dr. Edmund A., S.J. from an interview given to the NCWC, Friday, July 19, 1946. Published in "The Catholic Register."

<sup>9</sup> Bernays, *op. cit.*, p. 57. Italics mine.

<sup>10</sup> *Ibid.*, p. 58-59.

<sup>11</sup> *Ibid.*, p. 63.

ciples of the law of nations as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience.'"<sup>12</sup>

If the expressions of this article are unfortunately clouded with other arguments, Justice Jackson, when he speaks for himself, is quite clear on the issue involved. He said in opening the case: "I am not disturbed by the lack of judicial precedent for the inquiry we propose to conduct."<sup>13</sup> Why is he not disturbed? Because "the war criminals are being tried pursuant to recognized law. True, what is happening in Nuremberg is revolutionary. But it is not a revolution in the law. It is a revolution in law enforcement."<sup>14</sup> In the first statement, the Justice said he had no precedent. In the second, he spoke of recognized law. What recognized, international law exists? Justice Jackson's description of the Charter of the Tribunal contains the answer: "an organic act which represents the *wisdom, the sense of justice* and the will of 18 governments representing an overwhelming majority of all civilized people."<sup>15</sup> The wisdom, the sense of justice that is common to all men of good will and common sense can be nothing other than the Moral Law.

#### LAW OF NATIONS

What is this Moral or Natural Law? St. Thomas taught that it is "divine law revealed through natural reason."<sup>16</sup> It is "a participation of the eternal law in the rational creature."<sup>17</sup> Thinking men have observed that all things are regulated by some kind of law. The stars in the heavens are charted on their course; the minerals in the earth supply the deficiencies of plant life; the brute animals unerringly follow a plan of life. Man is a part of this planned universe, and as a part, must follow the law of the whole. Yet man occupies a place that is unique. He fulfills the law of nature, the law of his nature, *freely* so that, if he should so choose, he may pervert his nature and thus destroy himself. But the point is that natural law is so deeply rooted in the heart of man that he need only conform to his nature to fulfill the natural law. There are, however, degrees of comprehension of the natural law as there are degrees of common sense and good

<sup>12</sup> *loc. cit.*

<sup>13</sup> *Ibid.*, p. 64.

<sup>14</sup> *Ibid.*, p. 59.

<sup>15</sup> *loc. cit.*, italics mine.

<sup>16</sup> Pegis, (tr.) *Basic Writings of St. Thomas Aquinas*, New York, Random House, 1945, v. 2, p. 748 *et seq.*

<sup>17</sup> *Ibid.*



will among men. In order that the more general principles of the natural law might be carried out, the civil law, a more accurate determination of the principles of the natural law, was embodied in statutes and the customs of the land. Although there is no well defined international society, it became obvious that the various nations that made up the international society must be bound by the same natural law that bound men in their intra-national dealings. The principles of the natural law as applied to international relations has been called the Law of Nations.

Nevertheless, it must be admitted that the relations of men and the relations of nations are not always simple things. While the principles of the natural law will usually be admitted, their application to concrete instances requires some thought. And since there was some imperfection, if not in the natural law itself, in man's comprehension of it, the natural law found its perfection in Christian revelation. For the law of the Gospels did not contradict, but rather confirmed the dictates of the moral law, while going higher to the law of charity. As Western Christianity began to cover the face of Europe, the concept of Christendom, a family of nations governed by the same laws of good and evil that bound men, began to take hold. An International Law that was based on the natural law was the common rule in international dealings. Whatever may be said of the departures from that law (and as long as there are men, laws will be broken) the general procedure among the nations of Europe was based on Christian principles.

When the Christianity that had inspired such a world order was attacked by the Protestant Rebels, the world order itself was attacked. Statism began to rise, and with it, in order to justify it, when it was not heralding it, the neo-Pagan philosophies that we have already discussed appeared. The most elemental and basic ideas of right and wrong were entirely ruled out in international affairs.

Today, the modern internationalist is quite annoyed when the religious press insists on justice in international relations. He reasons that these simple people, unversed in the complicated machinery of international law, which he has made his life work, are quite naive in their demands. One moral philosopher answers this objection by saying:

The moralist holds that the machinery is not of *first* importance. He is interested more in the question of what makes machinery work and stop working. Moreover, the religious world has seen a good machine (the League) ruined for lack of the moral spirit among its leaders with

which alone it could function truly. . . The spirit of an organization matters more than the machinery. Without a foundation of elementary ethical principles, clearly stated, and accepted by all parties concerned, no machinery or international constitution will be worth the time and labour spent in drafting it.<sup>18</sup>

#### VITORIA

Nevertheless, the objection of the internationalist still holds some weight. The religious leader, the moral philosopher does not ordinarily possess sufficient information on international affairs to apply moral principles to them. But that by no means excludes the extraordinary moral philosopher. Such a man was Francisco de Vitoria, who faced four centuries ago the problem the Nuremberg jurists now face. One of his biographers has this to say of his position in International Law:

In the study of International Law, Francisco de Vitoria deserves a prominent place. Primarily a moralist, he visualized the whole field of international relations within ethical boundaries, and urged upon the rulers to act in accordance with what is morally right. He enunciated principles which are right both in the light of Ethics and in the code of laws, being therefore legally binding to those concerned in the mutual dealings of states. This is important because . . . it was necessary that International Law in its beginning should not be divorced from Ethics. . . . No science may be disassociated from morals. Law, being a dictate of reason, cannot in reality contradict morals, which is the code of principles to which human acts must conform.<sup>19</sup>

And this is Vitoria's greatness; "theologian and jurist, philosopher and humanist, his superiority to all internationalists is that he was above and beyond everything a moralist."<sup>20</sup>

#### HIS TEACHINGS

Granted that the Nuremberg trials have demonstrated the absolute necessity of a moral approach to international problems, granted even that Vitoria had this approach to the international problems of his day, what has Vitoria to do with Nuremberg? If Vitoria is seen in the light of his "On the Indians," he has little or nothing to do with Nuremberg, for that work deals with an abnormal situation in the

<sup>18</sup> Beales, A. C. F., *The Catholic Church and International Order*, Harmondsworth Middlesex England, Penguin Books, 1942, p. 16.

<sup>19</sup> Munoz, O.P., Honorio, *Vitoria and the Conquest of America*, Manila, University of Santo Tomas Press, 1938, p. 39.

<sup>20</sup> Rios, O.S.B., Romanus, "Francisco de Vitoria and His *Relectio de Jure Belli*," *The Dublin Review*, January, 1941, p. 37.

world of his time, that is, the discovery of the New World. But if Vitoria is seen in the light of his "On the Law of War," he has everything to do with Nuremberg, for in this, the literary masterpiece of international law, Vitoria lays down the general principles to be applied to the normal state of nations. No eulogy of Vitoria or his work will demonstrate so well his pertinency to modern times as a selection of passages relative to the Nuremberg trials from his work. Nevertheless, it should be kept in mind that these are only small portions of a work that must be seen in its entirety to be appreciated.

First of all, Vitoria asks whether it is licit to punish our enemies, after we have won a war. He answers positively.

Even a defensive war could not be waged satisfactorily were no vengeance taken on enemies who have done or tried to do wrong. For they would only be emboldened to make a second attack, if the fear of retribution did not keep them from wrong. . . . For there would be no condition of happiness for the world, nay, its condition would be one of utter misery if oppressors and robbers and plunderers could with impunity commit their crimes and oppress the good and innocent, and these latter could not in turn retaliate on them.<sup>21</sup>

Even after victory has been won and redress obtained and peace and safety been secured, it is lawful to avenge the wrong received from the enemy and to take measures against him, and exact punishment from him for the wrongs he has done. In proof of this be it observed that princes have authority not only over their own subjects, but also over foreigners, so far as to prevent them from committing wrongs, and this is by the law of nations and of the whole world. Nay, it seems to be by natural law also, seeing that otherwise society could not hold together unless there was somewhere a power and authority to deter wrongdoers and prevent them from injuring the good and innocent. Now, everything needed for the government and preservation of society exists by natural law, and in no other way can we show that a State has by natural law authority to inflict pains and penalties on its citizens who are dangerous to it. But if a State can do this to its own citizens, society at large can do doubt do it to all wicked and dangerous folk, and this can only be through the instrumentality of princes. It is, therefore, certain that princes can punish an enemy who has done wrong to their State, and that after a war has been duly and justly undertaken, the enemy are just as much within the jurisdiction of the prince who undertakes it as if he were their proper judge. Confirmation hereof is furnished by the fact that in reality peace and tranquillity, which are the end and aim of war cannot be had unless evils and damages be visited upon the enemy in order to deter them from like conduct in the future.<sup>22</sup>

<sup>21</sup> Vitoria, O.P., Francisco de, *De Indis et de Jure Belli Relectiones* (tr. John Pawley Bate), Washington, Carnegie Institution, 1917, p. 167.

<sup>22</sup> *Ibid.*, p. 172.

Vitoria argues for his principles from Scripture, from the Fathers, from the example of saintly and illustrious men, and from reason. He goes into great detail on some particulars, and answers the objections that might be lodged against his doctrine. It would be impossible here to answer all the possible objections that the opponents of the Nuremberg trial might make against the application of these principles to the trial. One example may suffice. The opponents of the trial argued that the defendants had in no way agreed to keep the contract of international law, and therefore were not bound to any International Law, whether expressed as at the Hague Convention, or tacit.

The Law of Nations does not only derive its force from human contract, but also has the force of law. For the whole world which is, in a way a single commonwealth, has the power to make laws which are equitable and applicable to all alike; and such are the precepts to be found in the Law of Nations. . . Any one kingdom has not the right to refuse to be bound by the Law of Nations: for it has been *established by the authority of the whole world*.<sup>23</sup>

In Canon 3 of his Summary, Vitoria emphasizes the spirit in which the punishment of a nation is to be carried out. He points out that it is only the leaders who are to be punished. In the present unfortunate state of affairs, many overwrought imaginations have tried to extend the war crime trials to the entire German nation. Vitoria's well balanced and calm judgment could serve as an admirable antidote to such a spirit of vengeance and recrimination.

The conqueror must use his victory with Christian moderation and equity, remembering that he is acting as a judge between two states, the one injuring, the other injured. Hence he must give his verdict in the spirit not of an accuser but of a judge, making reparation indeed to the injured state, but inflicting the least possible harm on the guilty state, limiting the punishment, as far as may be, to the truly guilty—and this especially because among Christian peoples the whole guilt usually rests with the rulers. Subjects are in good faith when they fight for their rulers, and it is most iniquitous that the follies of kings should, as Horace wrote, be paid by their people.<sup>24</sup>

These are the eminently sane and sound principles which Vitoria lays down. They speak for themselves. Some may perhaps question their applicability to modern problems on account of different concepts of state and world order, but a closer study will reveal that any need

<sup>23</sup> Vitoria, *De Potestate Civili* in *Francisco de Vitoria and His Law of Nations* by James Brown Scott. Oxford, Clarendon Press, 1934, p. xc.

<sup>24</sup> Vitoria, *De Jure Belli*, p. 187.

for change in Vitoria's principles is purely accidental. Vitoria's appeal to the Law of Nations is the same appeal that the Nuremberg jurists made to justify their procedure. And for this reason, despite the fact that many modern jurists regard him as a scholastic antique of the origins of international law, Vitoria's spirit hangs over Nuremberg. That spirit is a challenge and a promise. The appeal to the Law of Nations at Nuremberg must not be a transitory thing used to justify an action, but a return to the solid foundation on which a new international order can be built. Now that men have released the mysterious energy of the atom, mankind cannot continue to depend on force instead of morality. Unless the wisdom of the international lawmakers accepts the challenge of Nuremberg, the thing science has raised up will, like Frankenstein, turn on its maker to destroy him. But if the nations remember that there is a higher law than that of force, out of the ashes of a chaotic world will rise the phoenix of a just and peaceful world order.

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- a) works of other authors published by Vitoria.
- b) works of Vitoria published by others.
- c) works of Vitoria kept unpublished.

To the first group belong:

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*Manuscripts* of his commentaries on the *Summa Theologica* of St. Thomas Aquinas. These were kept until the Spanish civil war broke out in 1936. Some of them however, will most probably have disappeared together with the libraries held by the Communists. (L. Getino, *El Maestro Vitoria*, ch. XV, Madrid, 1930—Quoted by H. Muñoz, O.P., *Vitoria and the Conquest*, Manila, 1938, p. 34.)

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## ✠ THE REVEREND JOHN ALOYSIUS JORDAN, O.P. ✠

The Rev. John Aloysius Jordan, O.P., died in Misericordia Hospital, Philadelphia, July 23, 1946. Taken sick while giving a retreat to the Dominican Sisters in Blauvelt, New York, Fr. Jordan passed away following an attack of pneumonia. He was sixty years of age.

Born in Hyde Park, Massachusetts, February 1, 1886, to Patrick Joseph and Theresa (Daly) Jordan, the eldest of seven children, he received his education in the Hyde Park schools and at Boston College. Drawn to the Dominican Order by the work of the Mission Band, he entered St. Rose Novitiate, Springfield, Ky., in 1903, and on December 25th of the following year he made profession. He began his philosophical studies at St. Rose's and completed his course at the House of Studies, Washington, D. C. Ordained by Bishop Owen B. Corrigan, Auxiliary Bishop of Baltimore, in the Old Catholic University Chapel in Caldwell Hall, June 24, 1910, Fr. Jordan was sent to Aquinas College, Columbus, Ohio, as professor of languages. Here he taught until early in 1918. He was then transferred to St. Raymond's, Providence, and taught at La Salle Academy, conducted by the Christian Brothers, while he awaited the opening of Providence College, to which he was to be assigned. From 1919 to 1925 he was vice-rector and professor at Providence College. Recalled to Aquinas College in 1925, he held the post of president until 1927. In that year Fr. Jordan was sent to St. Mary's, New Haven, where he remained as sub-prior until 1942. He was assigned then to Holy Name Priory, Philadelphia, where he worked until his death.

A Solemn Mass of Requiem was celebrated in Holy Name Church on July 26. The Very Rev. R. B. Johannsen, O.P., prior of Holy Name Church, was the celebrant of the Mass, assisted by the Rev. P. P. Heasley, O.P., as deacon and the Rev. H. J. McManus, O.P., as sub-deacon, with the Very Rev. T. S. McDermott, O.P., Prior Provincial of the Province of St. Joseph, presiding in the sanctuary. The Rev. W. G. Moran, O.P., preached the eulogy. Father Jordan was buried in the Dominican plot in Holy Sepulchre Cemetery, Newark, N. J.

Dominicana extends its sincerest sympathy to his sisters, and to his brother and to his many friends.

May his soul rest in peace!



## ✠ THE VERY REVEREND EDWARD A. MARTIN, O.P. ✠

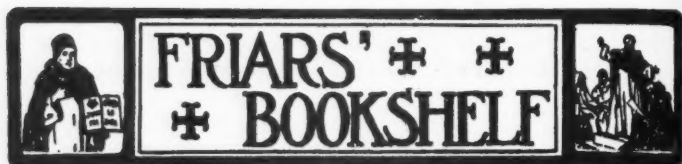
The Very Rev. Edward A. Martin, O.P., sub-prior and assistant pastor of St. Catherine of Siena Church, New York, died on August 7th, in New York Hospital, at the age of seventy-six.

Born in Bilston, Staffordshire, England on April 1, 1870, to Edward and Bridget (Pryor) Martin, and one of six children, he was brought to Chicago as a small boy and received his education there. At the age of twenty-two, he entered the Dominican Order at St. Rose's Priory, Springfield, Ky., and on August 15, 1892 made profession there. After his profession, he was sent to St. Joseph's Priory, Somerset, Ohio, to begin his studies in philosophy and theology. Ordained a priest at St. Joseph's by Bishop Watterson of Columbus, March 25, 1898, the young priest went to St. Vincent Ferrer's Church, New York, helping also at the new adjacent St. Catherine's. From 1902 to 1904 he was stationed at St. Louis Bertrand's Church, Louisville, Ky. Father Martin then returned to St. Catherine's and became its first pastor. Most of his forty-eight years of active priestly work were spent here. In 1925, he was assigned to the Eastern Mission Band, conducting missions, retreats, and special discourses throughout the United States and Canada. On September 1, 1945 he became sub-prior and assistant pastor of St. Catherine's.

A Solemn Mass of Requiem was offered Friday, August 9, in St. Catherine's Church by the Rev. Edward L. Skelly, O.P., the Very Rev. John E. O'Hearn, O.P. being deacon and Very Rev. Charles M. Mulvey, O.P., subdeacon. Burial took place in the Dominican plot in Holy Innocent's Cemetery, Pleasantville, N. Y.

*Dominicana* extends its sincerest sympathy to his niece, Sister Mary Consuela, B.V.M., of St. Joseph's Academy, Des Moines, Iowa.

May his soul rest in peace!



**Our Own Kind.** By Edward McSorley. pp. 304. Harper and Brothers, New York. 1946. \$2.50.

Current fiction has seen quite a cycle of autobiographical novels of childhood and early youth. This cycle has been characterized by its revolution from its literary forebears which had cast about childhood the aureola of a gay and blissful time. The new cycle portrays childhood with no aureola, but in the unflattering light of reality. Although the note of joy has not been completely silenced, it is heard infrequently in the bleak symphony of the violins of poignant grief. The story of Willie McDermott is one of the best of the cycle, for it has most of the virtues and few of the vices of this literary trend. The episode of the drug store robbery and the shattering disappointment of circus day are as vivid as the best writing of the cycle. Mr. McSorley wisely avoids the Freudian pruriency that has characterized too many of the current novels of early adolescence. He also sees Willie, and Willie sees himself, as part of a community, something which books like *The Green Years* and *A Tree Grows in Brooklyn* never quite succeeded in doing.

The community in which he lived—his beloved Grandfather, his not-so beloved Grandmother, his frustrated great aunt, his finicky bachelor uncle, the wealthy Pete Carron who grinds the poor into the dust, socialist uncle Pat, corrupt Joe Riordan—is the Irish settlement in Providence. It is genuinely Irish, though not as their apologists would see them. For that matter, there is no grist for anyone's mill in this story, since the author seems to have no axe to grind. The faith of "Our Own Kind" is the warp and woof of their lives, but these Irish-Americans are not saints, though, like the author, they have occasional glimpses into the splendor of that faith. "Reading the last Gospel . . . he was like a tired man who has left his heart in a far country and is refreshed again, reading a letter from the land where his spirit still dwells."

Ned McDermott, the real hero of the story, never had time to learn to read and write, but he knows Robert Emmet by heart, and interpolates the adventures of Irish heroes, as he "reads" the funnies

to Willie. Ned's sons lacked all the education that Ned thought of as part of the American dream so he pins his hopes on his grandson Willie, who, somehow is to get out of the bush leagues of smallness into the grand world of the scholar. Ned's efforts to educate Willie are seconded by the Fathers McCaffrey, especially Father Joe, who taught Willie a little about the Fathers that someday he might "read the Angelic Doctor, for all the thinking of the Church before him led only to him and the thinking that followed returned to him." In the end, all fail Willie, and though he has the memory of his Grandfather and Father Joe to sustain him, "desolate and sick, he stumbled through the darkness of his loneliness for the comforting light of his prayers and found himself sending up his sighs, mourning and weeping in a vale of tears bitter and deeper than he could sound his thoughts. Oh, Mother of the Eternal Word, he cried again and again until the aching silence of his spirit echoed with its sound, adopt me as thy child."

Brilliant is the imagery, but the sentences are so loaded with detail that the colors run together. Then, although obscenity is absent, there is a preoccupation with the sordid. Those unaccustomed to language that is strong and profane will not go many pages without a shock. However, although this book is not great literature, it is a good story, humorous and tender, beautiful and heartwarming. U.V.

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**The Flight and the Song.** By L. M. Anderson and S. M. C. pp. 175. Longmans, Green and Co., N. Y. 1946. \$2.00.

The many who have enjoyed the other quaint stories of old England told by S. M. C., will find pleasant reading in this tale of old Devon. Against the background of the dissolution of the monasteries under Henry VIII, the gifted Dominican Sister—collaborating this time with L. M. Anderson—sketches the life of bizarre Robin Hackworthy and the simple country folk of his tiny Dartmoor village.

Robin was a child of blessing given by God to Dickon and Lucky Hackworthy in their old age. The devout old couple cherished the hope that one day the lad would be a monk in Buckfast Abbey. But the sturdy boy was not fitted for this life; God had withheld from him the use of reason. Instead of a monastery Robin had the world for his cloister, where he "lived in community with the innocent birds and beasts of heath and hedgerow" on the bleak moor between the abbeys of Buckland and Buckfast. Guided by instinct in the place of reason, he crooned "the song of those things that have been made . . . the song of the Maker of Heaven and earth."

For Robin's lifelong friend, the wise old hermit of Mis Tor, this state was not too hard to understand in a baptized soul where sin had never entered. He told Robin: "The good God has made you to worship Him in His creatures, to play before Him in the world He has created." But the simple villagers suspected the strange youth of being in league with pixies and goblins. They feared him even as they were in awe of his extraordinary powers. So it was that when Buckfast Abbey was destroyed and the abbey church desecrated, the evil eye of Robin Hackworthy was held responsible for the crime. He was seized by the angry village folk and died a strange death on top of a witch's pyre that would not burn.

Through Robin we are led to meet several other interesting people. Lizz Brownrigg, "the tow-haired, thin, long-legged eldest daughter of the carpenter," grew up to become a nun in the convent of the Augustinian Canonesses at Canonsleigh, and proved to be the Valiant Woman of the Community under the oppression of the King's Commissioners. The old hermit, a finely drawn character, is a lovable person. In contrast, Joan Hackworthy, Robin's brother's shrewish wife, earns little of our sympathy. In an excellent scene at the end of the book, her husband is inspired by the example of Robin's pure life to forgive her for all the evil she has wrought.

This book has nearly all the features that gave success to S.M.C.'s earlier works, though there is probably less of fantasy and more of everyday life in this tale. Robin's charming songs, written in lilting, lyrical verse, are a new feature worthy of special mention. They hold something of the joyful simplicity that belonged to Catholic England. The writing is, as usual, picturesque, simple and lucid.

L.R.D.

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**Spirit in Darkness.** By Rev. Fr. Brice, C.P. pp. 356. Frederick Pustet Co., Inc., New York. 1946. \$3.50.

In his second companion volume to *St. John of the Cross*, Fr. Brice comments on Book Two of the *Ascent of Mt. Carmel*. His treatment follows the logical development of the Carmelite's doctrine on the spiritual life rather than the exact order of the original work. This is done not as an attempt to improve on the Mystical Doctor, but rather as an aid to the reader in understanding the important subject of contemplation. The author observes that "it is sad enough when souls fail to reach contemplation for want of will; St. John will not have it happen for want of knowledge."

To appreciate fully Fr. Brice's work, one should already have

read the *Ascent of Mt. Carmel*. However, the author is so clear and complete that the book can also serve as an introduction to Book Two of the *Ascent*. A good deal of the volume is concerned with the purification of the inner faculties, that is, the understanding, memory, and will. The "darkness" in the title refers to the darkness of faith.

The state of perfection consists in the Divine union. How this is attained is the subject of the book. The pitfalls to be avoided, the distinction between meditation and contemplation, and the signs of contemplation are brought out clearly. By the frequent use of outlines, Fr. Brice sums up graphically the matter he has treated. The beginner and the advanced in the spiritual life will profit considerably by reading and comprehending *Spirits in Darkness*. Also all will be encouraged by the author's insistence that contemplation is normal, for as he shows, St. John considered infused contemplation the goal towards which all advance and which God grants to those who fight the good battle every day of their life.

R.S.

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**Collected Papers of Evelyn Underhill.** By Lucy Menzies. pp. 240. Longmans, Green and Co., New York. 1946. \$2.75.

A British wag has it there are three divisions of the Church of England: High and crazy, Low and lazy, Broad and hazy. The High group is called crazy because of its ritualistic leanings and its closeness to the Roman Catholic Church. Miss Underhill, who died recently, was one of this group. A disciple of the well-known Baron Von Hugel, she was long interested in the subject of mysticism. The papers contained in this book were delivered by her to small Church groups over a period of twenty years. They treat of various phases of prayer and their application to the spiritual life of Christians. Miss Underhill writes well and possesses an easy and moving style. She strives to be Catholic in her thought, for almost everyone of the authors cited in these pages is Roman Catholic. Her theology of prayer is quite orthodox, yet when she turns from prayer and discusses other things her touch is not so sure.

In her desire to stress the transcendence of God, she succeeds in rendering Him unapproachable to all save the boldest. The true approach to God in prayer, through Christ our Lord, is almost entirely overlooked. Moreover, for her, natural reason is unable to know God. It is by an act of divine mercy that He reveals His existence to us.

Her notions of the Eucharist is not orthodox. In the Eucharistic mystery, "as the various branches of the Catholic Church set it before us," the priest's consecratory action is purely symbolic of a "natural life given in its wholeness to God."

Miss Underhill lays far too much stress on the apparent likeness between Christian and non-Christian mystics, so that one is tempted to believe that the difference between them is a merely accidental one of degree of insight, and not one of distinct orders, of nature and supernature.

It is impossible to doubt her sincerity, yet the fact must be made clear that Anglican is not synonymous with Catholic. What Miss Underhill has to say will no doubt deeply move non-Catholic readers, yet Catholics will find the same truths which has striven to convey expressed more clearly and more surely in the works of many modern Catholic writers.

F.M.C.

**Paradise Hunters.** By W. Kane. pp. 291 with index. B. Herder Book Company, St. Louis, Mo. 1946. \$3.00.

Man's desire for happiness is so great that it can be satisfied only with the possession of an infinite good. That "good" is God, for as St. Augustine asserts: "Thou hast made us for Thyself, O God, and our souls are not at rest until we rest in Thee." Still, men want "to have their cake and eat it"; they want happiness and they want it now, immediately. They fail to realize that any degree of true happiness attainable here on earth, will be attained only in proportion to the degree in which they draw nearer to God. Fr. Kane stresses this point while portraying the many problems which a man faces in his search for happiness.

These problems are problems of living and conduct and the author disclaims any attempt to solve them by mere speculation. Yet he hopes that the knowledge of the problems and principles involved will be an indirect approach to a solution, the direct approach being found only in the actual application of principles to conduct.

Written in a simple and unpretentious style, this work should be of help to the faithful in dealing with the basic problems of Christian living. However the haphazard order of the work, its many repetitions and loose ends, make for difficult and wearisome reading.

L.L.

**Truths Men Live By.** By John A. O'Brien. pp. 423. Macmillan. 1946. \$2.75.

Fr. John O'Brien, professor of Philosophy and Religion at Notre Dame has achieved the end of explaining in popular language and style the fundamental truths of the Christian Religion in *The Truths*

*Men Live By*. In his work the author has borrowed extensively from his knowledge of philosophy, history, scripture, and science.

Under the five-fold division of the book the writer treats of the existence of God, the Spirituality and Immortality of the Soul, the harmony of science and religion, the Divinity of Christ and other doctrinal items of great importance and interest not only to those of the Faith but also to those who, as the author states, are groping in uncertainty.

The author has labored over a quarter of a century in compiling the material for this work. He has conferred with leading theologians, philosophers, and scientists in preparing this worthy exposition of the Christian Truths.

With the combination of the technical terms and popular parlance the book will appeal to the average reader as well as the college and university student. The book serves well as a companion volume to the very popular work by the same author, *The Faith of Millions*.  
M.E.G.

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**The Spirit of Christ.** By Father James, O.F.M. Cap. pp. 222. The Newman Bookshop, Westminster, Maryland. 1946. \$2.50.

Down through the ages many wise and holy writers have called the spiritual life man's constant warfare. True, there are many salutary points bearing on this figure; yet the word "warfare" might give a wrong impression of the frame of mind in which a person ought to seek that perfection which terminates with the Beatific Vision. To escape from the pit of dull monotony into which a treatise on perfection frequently falls, Fr. James, in his *Spirit of Christ*, endeavors to convey the message intended in the Gospels for souls struggling for perfection in the world. To do this, the author has caught the spirit of God by which our divine Lord lived His life and by considering some of the more important and memorable events in the life of Christ he shows us the workings of this spirit in the Saviour's soul whereby He completely surrendered Himself to the Will of His Father.

*The Spirit of Christ* maps out the road from "Conversion" to "Holiness." Meditation on the life and person of Jesus Christ is stressed in this priceless book which should prove helpful to all, especially religious, who have the obligation of conforming their lives with their Divine Creator in such a way that "the signature of Jesus may be written to our every thought, desire, and action."

F.W.K.



**Most Worthy of All Praise.** By Vincent P. McCorry, S.J. pp. 189. The Declan X. McMullen Co., New York. 1946. \$2.00.

The purpose Father McCorry had in writing *Most Worthy of All Praise* was to make Sisters a little happier. He believes that he should rather try to make them holier, but, as he himself confesses, he feared to go beyond his depth. Yet, in this statement, it appears that he is hiding behind a subterfuge because he well knows that his book bears witness that true happiness can only be attained and increased as one grows in holiness. But because some prospective readers might shy away from a book that proposes to make them holier, he offers them instead a book that has their happiness (the effect of holiness) as its goal.

Among those who have answered the call to a higher and more perfect manner of life there can be and usually are many petty things, sometimes called faults but in reality sins, which not only place a barrier to solid sanctity but also cause anxieties and fears and rob religious of the true happiness which should be theirs even in this vale of tears. As the author himself states it: "For all who are peculiarly Christ's, for all men and women who have left all things to follow Him, there should be, there must be and there is a very real and special joy in this life. Strangely and sadly, not a few of Our Blessed Lord's feminine followers know little of this joy or but rarely taste it. It must be that somewhere, somehow, there has occurred a pitiful misunderstanding. Between the shining words of Christ and His latest and not least devoted followers, there has come a cloud."

To help dispel this cloud Father McCorry offers sixteen essays on sound spirituality. He does not treat every phase of the spiritual life, but he does consider those things which are essential and basic in every Sister's religious life: their place in the Church based on the place of women in the life of Christ and in the early Church, and even the tact and patience they should endeavor to exercise in dealing with the busy pastor or the irritable cleric.

The author devotes four essays to the matter of vocations: three to those having vocations and one to the conduct of Sisters detecting and encouraging vocations. He then moves to the religious life of the individual. The opinion that cheerfulness is a result of biological makeup and that moodiness is sometimes beyond one's control is analyzed and quickly rejected. The basis for cheerfulness is the virtue of humility. The opinionated, the inflated, and those who know they are important are quite without a sense of humor, and so cheerfulness for them is almost a hardship.

The essay "Microphilia: A Religious Malady" is a masterful



treatment of one of the plagues of the religious life, the inordinate concern for little things or the confusion of means and end. But by far the most important consideration in *Most Worthy of All Praise* is the one on the exceedingly subtle and practically universal vice known as pride. Unfortunately, or perhaps we should say strangely, Father McCorry, even with his long years of experience gathered from retreat work, offers no cure for this most deadly of maladies. Surely there must be a cure, and we believe there is one included here which is implied in the writing between the lines. It is "recognition."

The style of Father McCorry is fast and humorous, and his manner of expression is clear and concise, with rarely ever a wasted word. He writes what he has to say, and one is never lost because of subtleties of expression. We feel that Father McCorry has achieved the end he set out to reach in writing this book and that it will profit all who will peruse its pages.

R.D.

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**The Venerable Bede: His Spiritual Teachings.** By Sister M. Thomas Aquinas Carroll, Ph.D. pp. 270 with preface, bibliography, and index. The Catholic University of America Press, Washington, D. C. 1946.

In an era when there is almost a superabundance of books on the spiritual life, it is encouraging to find at least one work which deals with the very fundamentals of this life. Such is the work of Sister M. Thomas Aquinas Carroll. Her success in arranging St. Bede's statements on the spiritual life according to a truly theological order is astounding. Indeed, it is the very order of the matter on the spiritual life as presented in this dissertation that should make it clear why this work should be pondered by every theologian, preacher, and spiritual director: "Because the normal introduction of every soul to the supernatural life was through the Church, and because Bede considered all association with Christ to be through the Church, his teachings on it have been discussed first." p. 252) Then there is the consideration of the sacraments and of the three ways of the spiritual life, namely, the purgative ("Sin and its Purgation according to Bede"—Chapter IV), the illuminative ("Incentives to Virtue as Emphasized by Bede"—Chapter V), and the unitive ("The Life of Virtue in Bede's Teaching"—Chapter VI). This division should not be taken too strictly, for, in fact, prayer and contemplation are treated at the end of the fifth chapter, and "Progress and the Stages of Perfection" is one of the subdivisions of the sixth chapter. Nevertheless, the division is quite in accord with that of such modern theologians as Fathers Tanqueray and Garrigou-Lagrange. Dominicans should derive special advantage

from what is said about the mixed form of religious life, that is, contemplative and active.  
C.M.L.

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**Mother of Carmel.** A portrait of St. Teresa of Jesus. By E. Allison Peers, pp. 220, with index. Morehouse-Gorham Co., New York. 1946. \$2.50.

A few years ago E. Allison Peers wrote the life story of St. John of the Cross. Now he offers a companion volume, *Mother of Carmel*, the biography of St. Teresa of Jesus. Mr. Peers possesses an unquestionable competency for his task. His previous studies of Spanish mysticism and the Spanish mystics and his translations of the complete works of St. Teresa give him a familiarity with the saint which is in evidence throughout the book. He knows Teresa the saint, the writer, the reformer, the mystic. He knows her background, her friends, her enemies. The result is a lifelike portrait of "one of the most remarkable women who ever lived."

The book has three sections: Preparation, Achievement, and Fame. In the first part the author writes of the Saint's childhood, her entrance into the religious life, and her first attempts at reform. The final section is an analysis of the literary value of St. Teresa's writings and a searching study of her dynamic character. "Achievement," the second and largest part, is a record of the last twenty years of the Saint's life, years spent in making foundations, struggling in defense of her reform, writing her masterful books, yet all the while, living in close communion with her Lord and Master. Whenever possible, the author tells us, he has stood back and attempted "to use the words of Teresa herself." The abundance of quotations from her *Life*, *Way of Perfection*, and *Interior Castle* do not make for difficult reading. Mr. Peers has made excellent transitions, and the excerpts, besides being an introduction to the literary phase of St. Teresa's life, are the choice fruit of her contemplation. The author concludes that "if we are to turn our backs upon the way of the world, which has failed us, and to seek a new world along the Way of Perfection, we shall do well to charter as our guides her writings, her ideals, and her magnetic personality." *Mother of Carmel* is a splendid introduction to those guides.  
H.M.M.

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**Mystic in Motley.** By Theodore Maynard. pp. 250. Bruce, Milwaukee, Wis. 1945. \$2.50.

Philip Neri, a saint, whose spiritual exercises consisted in the practice of cheerfulness and humility, needs a new introduction to

each generation of readers. In this book, Mr. Maynard provides just this with the literary felicity, historical fidelity and theological abandon characteristic of his work.

In his intention to make the saints attractive to modern readers, Dr. Maynard succeeds. His facts are culled from standard and traditional biographies of the saints, or from trustworthy sources. His style is as readable and his presentation as modern as the best of contemporary biography. And this life of St. Philip Neri is as good as his best work. When he begins to interpret the facts or actions of a saint's life against a background of theology, however, he leaves a little to be desired. He places thoughts, aspirations, and motives in the saints which could never have been there at all. This fate has been the lot of St. Francesca Cabrini and St. Philip.

In the volume at hand, Mr. Maynard makes a practice, which becomes almost a crusade, of correcting and reneging the spiritual and supernatural reasons supplied by ancient biographers to explain the wonders and marvelous works in St. Philip's life. He labels them pious tales that can be supplanted by more satisfying scientific or historical explanations. In most of the cases, however, while the ancients try our faith, Mr. Maynard, in his anxiety to contradict them, furiously tries our common sense. But the life of St. Philip is worth reading no matter what the handicaps. And this book, because of its many merits, is more worth reading than any other available.

M.H.

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**A Mystic Under Arms.** By Eugene Boylan, O. Cist. R. pp. 59. The Newman Bookshop, Westminster, Maryland. 1945.

For the busy executive and the even busier housewife, there is in this book ample proof that a life spent in union with Jesus Christ is not impossible simply because one is busy and "distracted." This brief and concentrated biography of Michael Carlier, the Cistercian turned soldier, presents a formula for sanctity under the most unsaintly of circumstances. M. Carlier lived a more than average childhood, found studies difficult, suffered the inconvenience of bad health, and knew the nagging of half-hearted Catholics who resented "his adherence to the ordinary practices of religion." Though discouraged by his father, he promised himself to the Cistercian Abbot of Chimay at the end of his college years. But according to French law, male subjects of the Republic were liable to serve for two or three years training with the army, and Carlier's parents had made military service a condition of their consent to his entering religion. The barrack-room manners and

morals had no effect on his determination to live a life of contemplation. The morning of Dec. 8, 1911, saw Carlier receive the white habit of a Cistercian novice. Three years later war was declared and his monastic life came to an end, and all that was left of it was his Abbot's parting advice, "Be a good soldier." On the battlefield "he was the admirable soldier, beloved by his men, rugged though considerate, keen as mustard, never flagging in the weary work of waging war, pulling his men through the worst moments by example, and when that failed, by shouts, harsh words, and even threats when necessary." Inwardly, "... he can only live in a simple, cheerful act of self-surrender to God, Who loveth a cheerful giver." His death came quietly and simply on Sept. 14, 1917, when a shell struck the shelter where he was and killed him instantly.

The author, despite his simplicity and almost regrettable brevity, gives us a lasting picture of the mystic under arms. We learn a precious lesson from this man who could lead a contemplative life even in a trench full of ice water. No American can excuse himself from trying to be a saint after reading this inspiring biography.

T.A.K.

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**Two Kindred Hearts.** By Sister Mary Charlotte, S.N.D. pp. vii-xvii, 173. Joseph F. Wagner, Inc., New York. 1946. \$2.00.

In an age when the education of the poor and orphaned was almost nil, God inspired two young women to devote their lives caring for and educating these unfortunate children. How the vocation of Aldegonda Henrica Wolbring and Elizabeth Bernadine Kuehling manifested itself in their early years and crystalized later in the founding of the Sisters of Notre Dame at Coesfeld; how these two, Sisters Mary Aloysia and Mary Ignatia in religion, labored valiantly in their congregation; and how they inspired in their novices simplicity and love of God, especially by their example, *Two Kindred Hearts* shows simply and interestingly. The reader, however, misses the accounts of the great obstacles which confronted them and the heroic deeds which they performed; but he sees them striving after religious perfection in their ordinary, everyday duties, and this was the intention of the author.

Here is a little book which should move the Sisters of Notre Dame to a greater imitation of their two holy foundresses; which should encourage the young aspirants; and which should provide useful information for those interested in the Congregation of the Sisters of Notre Dame, in its birth, growth, and varied activities.

N.B.J.

**Our Neighbors the Koreans.** By F. D. David. pp. 90. Field Afar Press, New York. 1946. \$0.35.

*Our Neighbors the Koreans* is the second booklet of a series designed to study those things which can make good neighbors of all the peoples of the world. The first of the series was entitled *Our Neighbors the Chinese*.

The booklet at hand is a concise delineation of the history, ancient as well as modern, of the customs, the cultural background, the pagan religious beliefs and the extent of Christianity in a country which till modern times merited the title "Hermit Kingdom." Because of its brevity it is necessarily sketchy. However, ample references are given at the end of each chapter and in the bibliography at the end of the whole book for those who wish to go deeper into the subject. Especially interesting is the chapter dealing with the beginnings and the persecution of Korean Christianity, the most famous martyr of which is Blessed Just de Bretenieres of the Paris Foreign Missions. *Our Neighbors the Koreans* is well worth the reading time of all interested in the spread of the Church in the Far East. H.E.P.

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**Religion in America.** By Willard L. Sperry. pp. xi, 318 with appendices and index. Cambridge University Press and the Macmillan Company, New York. 1946. \$2.50.

It is the intention of the Cambridge University Press to publish a series of books which will present contemporary America to the English reading public. Dr. Sperry's work is the first to be issued in this ambitious series. In it he hopes to give a comprehensive picture of the entire American religious scene.

Beginning with the thirteen colonies, the author outlines the earliest religious developments in America, his primary intention being to show historically why there was never such a thing as an established Church in the United States. This historical section is by far the best portion of the book.

The remainder of the work is less praiseworthy. It is limited for the most part to a consideration of the Protestant churches. Dr. Sperry seems to have the idea that America is still something of a Protestant preserve, despite the fact that Catholics make up well over a third of the entire church-going population. He emphasizes the smaller Protestant denominations, evidently because they are more characteristically American and because they are less well known to his English readers; but he seems greatly impressed by the multi-

plicity of these denominations, seeing here "a mark of religious contemporaneity and vitality" whereas it is rather a mark of religious disintegration and decay.

The chapter on American Theology is rather pitiful. The author can find little to put between Jonathan Edwards and William James, considering the latter's *Varieties of Religious Experience*—a work which reduces religion to emotionalism—as "the most distinctive contribution which America has made to the religious thought of the present century."

It is the chapter on American Catholicism, however, which will be of the most interest to the Catholic reader. Dr. Sperry leans heavily upon Maynard's *Story of American Catholicism* for his historical treatment of the subject. We will not criticize him for this, for despite the many defects in Maynard's work it remains the only readable one-volume work on the subject, and it was natural that Dr. Sperry should utilize it. He appends, however, some ideas which he terms "common-places in Protestant circles," even though he refuses to vouch for their truth. Here are listed all the old objections. The Church is un-American and Catholics owe allegiance to a foreign power; the Church is pro-Facist, operates under a veil of secrecy and is too much concerned with politics. Dr. Sperry blames the Church for not fostering a greater interest in the contemplative and mystical side of religious life. It is true that the Church has never encouraged those whose interest in extraordinary mystical phenomena is mere intellectual curiosity, but Dr. Sperry should not be ignorant of the hundreds of true contemplatives now living in American cloisters or of the thousands who, under the direction of the American Catholic clergy, are mounting steadily to the summits of Christian perfection.

The footnote on page 217 is quite evidently in error. The reference should be to the revision of the New Testament made under the direction of the Episcopal Committee of the Confraternity of Christian Doctrine and not to Father Spencer's translation. Catholic readers will also be puzzled by the reference to *the* Sacred Congregation on page 223. One of the Catholic professors of theology with whom Dr. Sperry professes to have discussed religious matters could perhaps inform him that there are a number of sacred congregations in the Roman curia, each having its proper title.

At best it can be said that Dr. Sperry's view of Religion in America is an unbalanced one. We hope that English readers will not accept it without broad reservations.

P.M.S.

**The Nature of Metaphysical Thinking.** By Dorothy M. Emmet. pp. 238 with index. Macmillan and Co. Ltd., London. First edition 1945, second printing 1946. \$2.50.

Dorothy M. Emmet has grasped a fundamental truth, penetrated a few of its ramifications, and then committed the oft-repeated error of making this single truth the whole of truth or more exactly the basis of all truth. Convinced, and rightly so, that metaphysics is an analogical way of thinking, she analyzed all thought, philosophical, scientific, theological, historical—in brief, all disciplines that treat of reality—and found only analogies. For her, therefore, all thought is circumscribed by, and rigidly compressed within, an interminable circle of analogies created by the human mind.

Her efforts to break this circle—and break it she must as she well recognizes if her metaphysics is to have any basis in reality—are futile. All she can offer as a link with the stark, rugged reality of the world about her is a vapid, meaningless concept of "things." Deprived of all intelligible content, this concept becomes for her a dogma of faith to be adhered to tenaciously and blindly, come what may. This idea has its source in conception as an activity of mind; in no way is it caused by any physical object. Driven to the wall by the sheer logic of her own argumentation, the authoress defends this sole, tenuous link with reality by fabricating a theory of mind which views the knowing subject as a "bipolar organism" indulging in two activities: one, a non-conceptual activity of response to interrelated, energetic functions; the other, a conceptual activity that orders and interprets in symbolic forms. Interprets what? Miss Emmet can respond only with an act of faith: "I believe in 'things'."

Explaining how her defensive hypothesis of the nature of the knowing subject accounts for the possibility of attaining truth through revelation and argumentation, whether scientific, philosophical or theological, occupies Miss Emmet's attention for some two hundred pages. Each branch of knowledge presents its own peculiar difficulties, and each in turn is faced boldly and answered, seldom to the authoress's satisfaction, never to this reviewer's.

Dorothy Emmet is keenly aware of the difficulties attendant upon the attainment of knowledge concerning transcendent objects. Both those difficulties which necessarily accompany the object itself, as well as those which arise from an attempt to discuss the problem of knowledge in terms of the Cartesian dualism of mind and matter or the Kantian dualism of noumena and phenomena are stated clearly and analyzed carefully. Particularly trenchant in this regard is her criticism of the idealist point of view adopted and expounded by many



modern philosophers and scientists. Indeed, she has met these men on their own grounds and has confronted them with several insoluble difficulties arising only within the frame work of their own philosophic synthesis.

Matching her brilliance in analysis and criticism of modern theories is her intellectual shabbiness and sloth in presenting the doctrines of realism in regard to the problem of knowledge, of Thomism in regard to revelation and faith. Realism is rejected as being too naive for serious consideration, a criticism which is certainly true of the type of realism delineated in this book. There is another realism, however, that speaks also of direct knowledge of things, of copies and images, but never of an immediate apprehension of the nature of things. Likewise, it takes into account and explains satisfactorily errors, illusions, and the changing perspective of our senses. All in all, it is not quite so naive as the strawman Miss Emmet has flayed. An attempt at investigating and understanding the position of moderate realism, which should have been made previous to publication of a pretended exhaustive treatment of the subject, would pay her heavy dividends.

Again, the analogy of being criticized by the authoress and supposed by her to be the doctrine of St. Thomas is nothing more than the truncated accounts of two popularizers of Thomism in which more has been left unsaid than said. Miss Emmet still has a great deal of investigating to do in sources more reliable than the ones she chose to use, before she can criticize with any assurance a doctrine she now neither understands nor appreciates.

Finally failure to consult competent authorities in the field of Catholic theology has resulted in her adoption of a ridiculous position in regard to the nature of faith, which she conceives as some sort of total assent, definitely not of the mind of man, not quite so definitely not of the feelings of man, but possibly of man's character as a whole. In reaching this definition of faith, Miss Emmet leans heavily upon several modern protestant theologians, completely ignoring the traditions of nineteen centuries of Catholic theology, an oversight not easily excused in an analysis of the best thought on the subject.

P.F.

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**Conversations with an Unrepentant Liberal.** By Julius Seelye Bixler. pp. 113. Yale University Press, New Haven. 1946. \$2.00.

This is the publication of the twenty-second series of lectures delivered at Yale University on the Foundation established by the late



Dwight H. Terry. Mr. Bixler, President of Colby College and author of several works on philosophy and religion, re-incarnates two Greek philosophers, Simmias and Cebes, and places them in our present age. Through them he discusses the perennial problems of life, education, and religion from the liberal viewpoint.

In an engaging style and with a penetrating analysis the author exposes the faults of the liberal while maintaining that liberalism itself can contribute much toward a solution of many of our present-day problems. There is a great deal to be admired in this work, yet one lays it down with the impression that much of it is but dilettante intellectual dialectic which leaves some of the most important questions of truth and salvation at the mercy of mere probable opinion.

Certainly the liberal's understanding of the nature of freedom is a distorted one; for a freedom which rejects all moral authority, making man a god unto himself, leads inevitably to intellectual anarchy and moral chaos. The fact of revelation and of a Church established by God to guard that revelation cannot be blandly dismissed on the score of narrow partisanship and arbitrary authoritarianism, especially when in its place is substituted a vague appeal to the unity of the human cause and the commonness of the human aim—a cause and an aim which become real and concrete only by the practical application of Christ's teaching.

Cebes, the unrepentant liberal, and Simmias, his critical opponent, have little common ground on which they can meet in mutual understanding. However, their concern over our present-day crisis, their apparent sincerity and good faith unite them in the desire for a better world and a lasting peace.

L.L.

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**Facing Your Social Situation.** By James F. Walsh, S.J. pp. 237 with questions for discussion and indices. The Bruce Publishing Company, Milwaukee. 1946. \$2.75.

Though this book makes no boast of offering a "cure-all" for social maladjustment, it does point out to the reader the value of solving social problems in terms of Christian thought.

Before dealing with his subject matter as such, the author establishes definitions and gives a brief review of the progress of Social Psychology from the days of Aristotle to the present. Special attention is paid to the ennobling effect that the Incarnation of the Son of God has had upon society. Because that event has been ignored and because scholastic philosophy, with its insistence upon the worth of the human person, has been shunned, the social psychologist of today

is guided mainly by the doctrines of sensationalism, materialism and psychologism. Deservedly, then, does Father Walsh conclude his preliminary work with a discussion of the psychology of human action from the point of view of the scholastic.

There follows an interesting treatment of the elements that are present in the "Formation of the Situation." Imitation and the growing child; inventions and their resultant state of leisure—these and other factors are analyzed. "Reaction to the Situation" and "Control of the Situation" are described at considerable length. Especially well done are the sections on crime, war, and the psychology of propaganda and mobs. Also worthy of close study are the pages that consider leisure and recreation; for, unfortunately, as the writer declares, these are the producers of heartache, and not relaxation, in too many instances.

Finally, the family, the school, the workshop, the Church and the State, as institutions that remain constant in every social situation, are studied in reference to the strong influence which they exert upon all members of society. Teachers, parents, and lawmakers, who complain about the lack of reverence for authority among the "teen-agers" and the youngsters, might find some revealing statements in the explanation of family spirit and the task of education. Current fallacies and old misunderstandings concerning the efficacy of Catholicism as a social power for good are recalled and answered. Aptly is it observed that the Church, given a free hand, has not lost, nor can it lose, its power of influence. The conclusions about the knowledge that the ordinary citizen possesses in regard to the function of the State will prove surprising.

*Facing Your Social Situation* will fulfill the demands of critical readers looking for a popular, concise treatment of Catholic Social Principles and for the answers to the problems that arise from man's relations with his fellow man.

M.M.

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**A Negro's Faith in America.** By Spencer Logan. pp. 88. The Macmillan Company, New York. 1946. \$1.75.

This short but mature analysis of the Negro problem is soberly and realistically presented by a returning war veteran. The difficulties as outlined by the author are many and involved, but the plans so far attempted for remedying these difficulties have failed because of a lack of unity among the Negroes and a blinding prejudice among some Whites.

Such plans were the Back-to-Africa Movement of Marcus Gar-

vey, the Sanhedrin Plan of Dr. Kelly Miller and the Pan-African Congress of Dr. W. E. B. Du Bois.

The author points out the pressing need of leaders to further the cause of the Negro. Today more than ever, with the return of Negro veterans there is a growing desire and hunger for the attainment of a fuller participation in the democratic idea established by the Constitution. Their most earnest wish is for social equality. This end surely must be gained, but the author realizes that its attainment will come about neither by political pressure nor by court decisions, for such as these are subject to the will of the people.

The Negro problem is now more than ever being approached through the power of education. Such a plan is being carried out in Springfield, Massachusetts where there is practiced "in all schools a common philosophy of education based upon the ideal of living, learning, working and thinking together." Also leading in this work are All-Day neighborhood Schools of New York City and some schools in Chicago.

However, education alone will not be able to surmount the many problems dealing with the Race Question. The Church must embrace the problem and seek to instill in the hearts of all men the love which Christ brought to all men, the love of one's fellow man. This the author points out when he concludes: "We must educate ourselves to the point where the color of a man's skin is of no more importance than the color of his eyes, and where our evaluations of one another are on the basis of character and interests rather than on creed or color."

A.L.D.

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**Cicero in the Courtroom of St. Thomas Aquinas.** The Aquinas Lecture 1945. By E. K. Rand. pp. 115 with notes and 2 short appendices. Marquette University Press, Milwaukee. 1946. \$1.50.

This tenth publication in the series of the Aquinas Lectures represents a radical departure in subject matter from the definitely philosophical and theological preoccupations of its predecessors. As the title partially indicates under the metaphor of the courtroom, the book is concerned primarily with investigating St. Thomas's use of and judgment upon those teachings of Cicero which may be found in his rhetorical and polemical works.

In developing his lecture Professor Rand first touches lightly upon the Angelic Doctor's method of handling and arranging his numerous quotations from the ancients, his interest in the rhetorical teachings of Cicero, his analysis of rhetoric both as a speculative

science and as an art, and finally his own schooling in this discipline beloved by men of letters in the Middle Ages. Having presented this background material, the author then considers the contributions Cicero has made to St. Thomas's synthesis of moral doctrine. Thus a very small craft has been launched in the mighty sea of the *Summa Theologica*; a tiny bit of this vast ocean of doctrine has been explored; and a new horizon for thoughtful study has been opened.

P.F.

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**Drums Under the Windows.** By Sean O'Casey. pp. 431. The Macmillan Company, New York. 1946. \$4.50.

Once more from the pen of a talented Gael, has come a work of unmistakable merit. Sean O'Casey possesses the happy faculty of making words form beautiful sounds and images. *Drums Under The Windows* is such a work. It would easily be one of the better works of autobiography, if it were not for one sad fact. Mr. O'Casey is a bitter man and his acidity makes him a scoffing anti-clerical and a subtle atheist.

*Drums Under The Windows* is the third volume of Sean O'Casey's autobiographical series and contains in its scope the period ending with the first World War. It offers a clear picture of the turbulent state of affairs in Ireland at this time, closing with the famed but ill-fated Easter uprising. We can have no doubt that Mr. O'Casey paints the overwhelming confusion as he saw it—the Gaelic League and the Irish Republican Brotherhood, the leaders viz Connolly, Pearse and Larkin, the strike and riots, all to climax later in the heroic defense of the Post-Office.

These, then, were times of seething unrest and drab poverty, when all Irishmen were not true to Ireland's ancient glory and her living faith and some dreamed great dreams of Ireland's return to her position of antiquity and spurned Ireland's faith as a bar in her march to preeminence. Among these we find Sean O'Casey. He is bitter against the machinations of some members of the Irish hierarchy and for such he would lead the people away from the guidance of their pastors. For the weaknesses of men, he would reject Ireland's crowning jewel.

We would remind Mr. O'Casey that, in view of his Protestant background, he is hardly in a position to declaim against the Irish clergy as Ireland's impediment. Ireland is neither pagan nor Protestant, but Ireland is Catholic and except for the fierce Catholicism of the penal days, all of O'Casey's ancient lays would be as canticles in a

foreign land. It was love of country, buttressed by faith, that withstood the onslaughts of Protestant England throughout the centuries and it was the same patriotism and faith, that brought about a free (though not yet whole) Ireland. No dreamy idealism of dying in vain attempts, but the vivid realism of living under dismal conditions with head and heart erect, carried Ireland through her dark hour.

It is far from the purpose of this review to belittle Mr. O'Casey's sincere and ardent love of Ireland or to decry his genuine sympathy and compassion for the poor and downtrodden. But just as misguided satire vitiates his love of country, so his rationalistic views prevent him from understanding the poverty stricken people he pities. Material poverty, without the blessedness of being poor in spirit and rich in faith, is indeed a thing of shame, but Mr. O'Casey should know that the people in the Dublin slums were, of a certainty, happier than those in the high places who had forsaken their country and their God.

K.C.

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**Alms For Oblivion.** By George Carver, Litt. D. pp. 325 with bibliography and index. Bruce, Milwaukee, Wisconsin. 1946. \$3.00.

*Alms for Oblivion* is a book about books, men, and biography. Dr. Carver opens his discussion with a brief consideration of the definition of the word 'biography' and a swift sketch of the development of biography as a literary form. The twenty-three following chapters are studies of the representative men, their works, and the manner in which each contributed to the furtherance of the biographical form. To each biographer and his most important Life or Lives one chapter is devoted. The result is a series of discreet considerations, each sufficient unto itself but all, taken collectively, define clearly the continuous road along which biography has progressed.

From Adamnan (d. 704) to Lytton Strachey (d. 1932) is a period of twelve centuries during which life writing grew, one might say evolved. The earliest Lives were of saintly Clerics, didactic in purpose. Soon biography became secularized to the extent of recounting the lives of rulers to teach the "ways of wise government." Not until well on in the Renaissance did other than saints and rulers become increasingly popular as subjects of biographers.

Izaak Walton introduced into the biographical form the re-creation of the personalities of his subjects for themselves alone. In this, says Dr. Carver, consists the essence of biography and all biographers must become apostles of personality. This is an opinion of the author not a dogma of biography. Far better is the presentation of the life of

a good and holy man with the intention of affording the readers a model for emulation than a mere word portrait of a vivid personality.

Margaret Newcastle in writing the life of her husband was another innovator. Thomas Fuller wrote, "to procure some honest profit to myself," a purpose never before mentioned. Dryden recorded minute details and private actions of his subject which previously had been considered too small for remembrance.

The highest point of the biographical form was reached in Boswell's *Johnson*. After Boswell, little that was new was added. Older forms sometimes recurred.

Dr. Carver closes his story of biography with the study of Gamaliel Bradford's psychography and Lytton Strachey's 'ironic' biography in which the author's "freedom of spirit" is never to be curtailed.

*Alms for Oblivion* is a well written book. Interspersed throughout the factual data concerning both biographer and biography, the author gives the reader his own critical observations. The text is replete with quotations. Overfrequent incidentals and side excursions tend to distract from otherwise captivating discussions, but one is immediately brought to attention by some humorous passage or keen observation.

By this book the neophyte will be aroused to further study and the far advanced student will glean many refreshing points view and criticisms heretofore confined principally to Professor Carver's lecture room.

T.L.F.

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**Virgil.** By F. J. H. Letters, M.A., LLB. pp. 162. Sheed and Ward, New York City. 1946. \$2.00.

Educators today are witnessing a too drastic, lamentable swing from the speculative to the practical, from the fine arts to the mechanical. Consequently, the classics of antiquity are taking a secondary place in the curriculum of numerous high schools and colleges. Mr. Letters in his present work, *Virgil*, helps to offset this trend. It is a consideration and interpretation of Virgil's genius as it is mirrored in his pastoral *Bucolics*, agricultural *Georgies*, and epic *Aeneid*.

The author does not attempt a theological exegesis, or a proof whether or not Virgil possessed the *anima naturaliter christiana*. Instead, the reader is given a scholarly manifestation of Virgilian art and genius. There is a comprehensive treatment of the various sources from which Virgil derived much of his material. Mr. Letters interestingly points out how original Virgil was even in his use of themes borrowed from his predecessors.

Charges of superficiality with which the master of Saturnian verse has been assailed are answered. Nevertheless, the author is always ready to admit Virgil's faults. A lack of Latin will not hamper one's enjoyment of this book, for an English translation is provided for the many passages quoted. This translation is not merely something incidentally added, for in the foreword the author says, "Written in contemplation of the time when a knowledge of Latin would have ceased to be necessary for matriculation, this book is in part an attempt to give an attempt to give general students some knowledge, and even appreciation, of the most famous of Roman poets." There is also a short appendix for those interested in Saturnian verse.

The beginner will find this work helpful in gaining an understanding of Virgilian poetry. The part devoted to the characters and historical background of the more widely known *Aeneid* will be of special interest to him. However, if the reader's knowledge of the other poets of antiquity and many English poets is scanty, this book will be too advanced in spots. Those more proficient in the classics, on the other hand, will wholly welcome this latest work on Virgil.

V.F.

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**Mysteries' End.** By Harold C. Gardiner, S.J. pp. xiv-142 with appendices, bibliography, and index. Yale University Press, New Haven. 1946. \$3.00.

It has been the custom in tracing the development of culture to pass from ancient Greece and Rome to the Renaissance and Reformation with hardly a word about the intervening centuries. This gap of nine or ten centuries has been explained as, at the very best, a preparation or hibernation before the dawn of modern culture. This approach to the history of civilization has been especially true of the history of literature, and more particularly, of the history of the drama. When medieval drama has been treated at all, it has been either as a substitute for the barbarous arena and bloody jousts, or as a precursor, in some dim fashion, of the splendor of the Shakespearean stage. Occasional surges of a vague "Gothic" Romanticism, or perhaps even of a more thorough scholarship, have resulted in scattered and desultory efforts to unearth the great treasure of the Middle Ages. If the reason for the snubbing of medievalism has been opposition to the great motivating spirit of those ages, perhaps the lack of interest and the smallness of result in the investigation of those ages may be attributed to an ignorance or lack of sympathy with that same spirit. The critic of Medievalism must bring to his work a sympathy that



will understand how right Chaucer was when he wrote of the *blissful* passion. Such a sympathy is completely foreign to the modern scholar who finds such a phrase "strange to us, who cannot read the Gospel account without pain."

The present writer brings precisely this needed sympathy to his investigation of the last days of the medieval religious stage. He also brings a wealth of scholarship. Indeed, there is such a wealth of it that the reader who expects Father Gardiner's usually transparent and vivacious style will be disappointed to see it embalmed in the paraphernalia of a dissertation. However, this would hardly be a just criticism, since the nature of the thesis precludes a popular treatment. Father Gardiner sets out to prove, often in decided opposition to other writers on the subject, that the religious stage declined not from the opposition of the Church (before or after Trent), not from the opposition of the Guilds, not from a people tired of the religious cycles, but from official opposition inspired by the Protestant rebellion. There is a cursory treatment of the effect of the Reformation spirit on the religious stage throughout the continent, but the burden of the argument rests with the England of the Tudors. Although for the most part the evidence is compelling, there are times when the reader feels that Father Gardiner is skating on rather thin ice. This is especially true when there is a question of negative evidence, for, as far as historical certitude goes, silence may often mean nothing at all. Nevertheless, even in these few uncertain questions, the presentation of what evidence there is is a valuable contribution. On the whole, the conclusions seem justified, and the general impression is that new light has been thrown on an interesting phase in the development of the drama. U.V.

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**Christopher Marlowe.** A study of his thought, learning, and character. By Paul H. Kocher. pp. x-344 with index. The University of North Carolina Press, Chapel Hinn. 1946. \$3.50.

Christopher Marlowe is hardly a popular author. The average college student may dip into one or another of his plays; only the specialist in Elizabethan drama will have read him thoroughly. Dr. Kocher's book, will, then, hardly have a large audience, for it will appeal only to the serious student of Marlowe.

This work is, as the title indicates, not so much a study of Marlowe's literary artistry as an analysis of his thought and learning.

The author is concerned primarily with Marlowe's religious thought, and certainly this is the most important portion of his book. His thesis is that Marlowe, though he took a degree in divinity from



Cambridge (he never took orders) was a "militant atheist." This contention he attempts to prove from biographical sources, principally from the Baines note, wherein the playwright is accused of teaching publicly the most vile sort of blasphemy. Though the existing biographical evidence for this opinion is fairly strong, Dr. Kocher would go further and convict Marlowe out of his own mouth. Here he has set for himself a difficult task. The characters in a literary work do not always represent the thoughts and ideals of the author. This is particularly true of the characters in a drama. Dr. Kocher's repeated insistence that Marlowe was a "subjective dramatist" does not really settle the matter. Yet even granting this point, the evidence he has amassed from the plays is far from convincing and sometimes even conflicting. Dr. Kocher tries to explain it away: "... however scornfully Marlowe rejected the system (Christianity) intellectually, it still had a powerful hold of some sort on his imagination and emotions. ... However desperate his desire to be free, he was bound to Christianity by the surest of chains—hatred mingled with reluctant longing, and fascination much akin to fear." (pp. 118-119) However, even with this explanation, the case is not as clear as Dr. Kocher would like us to believe.

The rest of the book is of little worth. Dr. Kocher studies Marlowe's knowledge of witchcraft, politics and ethics, astronomy and meteorology, and the art of war. In these studies the author displays a vast amount of scholarship, introducing contemporary material which may have influenced Marlowe. Yet the conclusions are hardly worth the effort. Marlowe's knowledge of witchcraft and astronomy are just about what we would expect of a sixteenth century university man and divinity student. Marlowe evidently did some reading in military tactics and history; what of it? The chapter on politics and ethics is thoroughly disappointing.

Dr. Kocher is a man of evident scholarly attainments. It is to be regretted that he did not direct them to a more fruitful subject.

P.M.S.

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**Initiate the Heart.** By Sister M. Maura, S.S.N.D. pp. 46. Macmillan, New York. 1946. \$1.75.

The poets contribute little by volume. Intensity, by the depth of their insight and the light of their revelation, is their gift. To Sister Maura for *Initiate the Heart* we are in debt. This small hand of poems combines a thinking mind with a facile pen. She is concerned with the heart of man, with loneliness, the heart's reaction to change,

with bitterness. She touches the heart of a nun, the meaning of a vocation, the joy, the mystery of her life. She reflects on the world, on nature and people, and the things of the mind. Sister Maura is deep and penetrating. Her expression is sure, figured, colorful, and direct. She has succeeded in forging forty poems, limpid as well as searching. Among the poets of the language, she is in the company of the best. *Initiate the Heart* is a precious mound of shard struck from a beauty-full and truth-full Catholic mind.

M.H.

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**The Golden Book of Catholic Poetry.** By Alfred Noyes. pp. 440. J. B. Lippincott Co., Philadelphia. 1946. \$3.50.

**A Little Treasury of Modern Poetry.** By Oscar Williams. pp. 672. Chas. Scribner and Sons, New York. 1946. \$2.75.

"But where are snows of yesteryear?" Ah, Francois, look to the anthologies for answer. Perennially, the poetically minded bind up within pitifully thin covers what is dubbed the "best" in poetic expression, and cast them adrift in the blizzards and squalls of modern literary output. Two such recent publications are those of Mr. Noyes, the Catholic, and Mr. Williams, the Modern. Let us note how both have allowed the "snows of yesteryear" to drift into their works.

Noyes is ambitious. The task he set for himself is not an easy one. The evolutionary demonstration of English Catholic poetry as the catholic poetry of the Anglo-Saxon world and a correspondent development of his own theme: the dependence of the Anglo-Saxon upon the Latin genius, is more than formidable. For, strictly speaking, true Catholic poetry is always catholic. And, truly catholic poetics cannot be easily barred from the designation Catholic, thus making selection difficult. But, the Englishman fulfills his every ambition in a highly interesting coverage of eight centuries. He has culled the heights and depths of poetics of the Anglo-Saxon strain, and the fruit of his labors is praiseworthy.

The reviewer has but one adverse criticism. It seems that Mr. Noyes lost a splendid opportunity for making his work complete and satisfying, for he overlooked the obvious: English Catholic poetry really begins with Chaucer's almost balladric *Canterbury Tales* and, for the moment, we pray, ends with Chesterton's *Ballad of the White Horse*. Yet, one will look in vain for G.K.C.'s immortal poem.

Oscar Williams' very title sounds a bit apologetic and does not necessarily restrict his selection to any definite period, despite any thought to the contrary. All great poetry is forever modern, and one wonders if convenience excuses dating of any kind. However, Mr.

Williams seems to realize this fact, for he saves face by opening with Gerard Manley Hopkins, the Jesuit, and so-called father of modern poetry. Surely, if there is a modern poetry, Hopkins is responsible for much of it.

One word anent Williams' selections. Anyone who walks with Hopkins, Thompson, de la Mare, and Millay should not be suspect. However, should that same critical judge overlook a mountain for the sake of mole-hills, then, his judgment is full worthy of suspicion. Mr. Williams, where is Chesterton? There is not enough of this great man's poetic off-spring, to cite one example, to justify the space given to a Nash. Nash's wit and humor fall short of Chesterton's in maintaining "gaiety at a definite level of taste" (cf. p. 40).

Mr. Williams suffers from eclecticism in taste, and his readers must necessarily suffer the same. It is this fact that will make unity of purpose and thought of discovery for the discriminating reader. But, the anthologist aims to soften this impression by a legendary index of the various types of poems at the top of each page.

In our estimation, some of the selections in the *Little Treasury* do not justify the fine thoughts on poetry expressed in the Introduction. Furthermore, we would very much like to see a large question mark after that advertisement on the jacket: The Best Poems of the Twentieth Century, indeed.

T.O'B.

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**The Takers of the City.** By H. R. Hays. pp. 376. Reynal and Hitchcock, New York. 1946. \$2.75.

That indefatigable champion of the Indians, Bartolome de las Casas, at the age of 70 and as the newly appointed Bishop of the Guatemalan province of Chiapas, is the central character of H. R. Hays' historical novel. "He that is slow to anger is better than the mighty; and he that ruleth his spirit than he that taketh a city," the author quotes from the Book of Proverbs (16/32), and then proceeds to portray the struggle las Casas went through to achieve this double victory, whereas the bloody Conquistadores remained only the "takers of the city."

There can be no doubting the author's worthy intention, and in the end of the book we see las Casas rise to great heights of self abnegation to achieve his victory. However, the means by which this victory is realized can be seriously questioned.

In dealing with the hatred of the Spanish landowners, the trickery of the Spanish overseers, and the distrust of the Indians themselves we see the famous Dominican liberator strengthened by such

thoughts as: "The sense that he was not as other men, that God had endowed him with a secret and inexhaustible power" or "the iron tool of his will had chipped a way through the obstacle." This overemphasis of the power of the will is a typical modern and erroneous explanation of strength of character. It seems hardly probable that such was the real secret of the strength of a sixteenth-century religious who had spent a lifetime in the service of and in close unity with his God.

Toward the end of the book las Casas muses that "he was not a contemplative being, his life was action, and he knew it was too late for him to travel a different road." Here we have expression of another modern error that would oppose contemplation to action. Las Casas was a product of his times, a sixteenth-century Dominican who lived to the hilt the motto of his Order, "having contemplated, to give to others." That he "gave to others" is plainly evident to the world in his monumental labors for his beloved Indians; yet none of this would have been possible had it not been for the contemplative side of his life. Without one the other could never have existed; contemplation was the mainspring of all his labors.

As a novel the background is colorful and realistic and suspense is maintained throughout. It must be sharply criticized, however, for its too realistic description of sins of the flesh. From the development of the characters and the flow of incidents it is quite evident to the reader that not all the characters are leading chaste lives. Undoubtedly, the code of morality of the Conquistadores and the Spanish merchants was lax and they were unscrupulous about taking native Indian women as mistresses. There is nothing wrong in bringing this out as an historical fact, but to present it at great length and in such suggestive detail, as the author does, is unnecessary.

T.J.K.

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### BOOKS RECEIVED

- CHRISTIANITY.** By Joseph H. Fichter, S.J. pp. 267 with index. B. Herder Book Co., St. Louis, 1946. \$2.50. (An outline of dogmatic theology for laymen.)
- CLAUDE DUBUIS, BISHOP OF GALVESTON.** By L. V. Jacks. pp. 268. B. Herder Book Co., St. Louis, 1946. \$2.50.
- ALL YOU WHO ARE BURDENED.** By Martin J. Scott, S.J. pp. x-210. P. J. Kenedy & Sons, New York, 1946. Cloth, \$2.00; paper, \$0.50. (An answer to the question why an all good God tolerates evil.)
- THE MYSTERIES OF CHRISTIANITY.** By Matthias Joseph Sheeben. Translated by Cyril Vollert, S.J. pp. 834 with index. B. Herder Book Co., St. Louis, 1946. \$7.50. (To be reviewed later.)

ARE CATHOLIC SCHOOLS PROGRESSIVE? By Lawrence J. O'Connell. pp. ix-167 with index. B. Herder Book Co., St. Louis, 1946. (To be reviewed later.)

GUIDING GROWTH IN CHRISTIAN SOCIAL LIVING. A Curriculum for the Elementary School. Volume III, Upper Grades. By Sister Mary Joan, O.P., and Sister Mary Nona, O.P., pp. xi-372. Catholic University of America Press, Washington, D. C., 1946. \$4.00. (A continuation of the excellent work done in Volumes I and II. A complete curriculum integrated by religion now available for the elementary school.)

### PAMPHLETS RECEIVED

CATHOLIC LIFE IN THE WEST INDIES. By Richard Pattee. The Catholic Association for International Peace, Washington, D. C., 1946. \$0.10.

#### From Radio Replies Press, St. Paul, Minn.

THE BLESSED VIRGIN AND THE JEWS. By John M. Oesterreicher, 1946. \$0.10.

THE DEATH OF CHRIST THE WARRIOR. By Paul McCann, 1946. \$0.50.

GENERAL DEVOTIONS TO THE BLESSED VIRGIN. \$0.15.

THE GUIDE POSTS OF THE ALMIGHTY TO PERMANENT INDUSTRIAL PEACE AND PROSPERITY. By Most Rev. Richard J. Cushing, D.D., 1946. \$0.10.

MUSIC OF THE MASS. By Francis X. Sallaway, 1946. \$0.25.

THE PARACLETE, NOVENAS TO THE HOLY SPIRIT. By Lawrence J. Luelkemeier, 1946. \$0.15.

QUIZZES ON CHRISTIAN SCIENCE, 1946. \$0.15.

WHY A HOSPITAL SISTER? By L. Rumble, M.S.C., 1946. \$0.15.



# CLOISTER CHRONICLE



## ST. JOSEPH'S PROVINCE

**ELECTION** The Very Rev. J. B. Walsh, O.P., has been elected Prior of St. Joseph's Priory, Somerset, Ohio.

**PROFESSION** Bro. Michael Murphy made his solemn profession into the hands of the Very Rev. Paul C. Curran, O.P., Subprior of St. Joseph's Priory, Somerset, Ohio, on June 8. Bro. Linus Sullivan made his solemn profession into the hands of Rev. Charles R. Auth, O.P., Socius of the Master of Students, at the Dominican College, Ocean City, Md. The following brothers made solemn profession into the hands of the Rev. Matthew Hanley, O.P., Master of Students, on August 16: Bros. Kevin Connolly, Ferrer Kopfman, Theophane O'Brien, Jerome Conroy, Timothy Carney, Xavier Schwartz, Denis Plamondon, Terence O'Shaughnessy, Sylvester Willoughby, Adrian Dionne, Vincent Ferrer McHenry, John Dominic Scanlon, Benedict Joseph, Urban Voll, Gregory Mullaney, Hyacinth Putz, Maurice Gaffney.

The following brothers received the habit on August 4 from Very Rev. L. P. Johannsen, O.P., Prior of St. Rose Convent: Bros. Augustine Wallace, Vincent Reilly, Mark Joseph Davis, Gregory Fay, Hyacinth Kopfman, Kevin Carr, Kenneth Peterson, and Patrick Reid. The same prelate received the simple profession of the following brothers on August 5: Bros. Francis Connolly, Aquinas Powers, Raymond Daley, Jordan Lacey, Thomas Kane, James Breittfeller, and Henry Egan.

**GENERAL CHAPTER** The Very Rev. T. S. McDermott, O.P., Provincial, the Very Rev. W. D. Marrin, O.P., and the Rev. F. J. Baeszler, O.P., represented St. Joseph's Province at the General Chapter of the Order convened at Rome on Sept. 8.

**LECTURES** The Very Rev. James M. Voste, O.P., secretary of the Pontifical Commission for Bible Study and professor of Scripture at the Collegium Angelicum in Rome, has arrived in this country at the invitation of the Catholic Biblical Association of America to lecture in the United States and Canada with a view to stimulate greater interest in Bible Studies.

Father Voste spoke to the students at the Dominican House of Studies in Chicago and will lecture to the students at the Dominican House of Studies in Washington, D. C.

Dr. Joseph J. Mundell, Professor of Gynecology at the Georgetown University Medical School, addressed the students of the Dominican College at Ocean City on July 17. The Very Rev. John E. O'Hearn, O.P., P.G., spoke to the brothers on July 19 on "Dominican Missions."

**VITORIA CELEBRATION** The Rev. C. H. McKenna, O.P., of Providence College, has returned to the United States after attending the week-long celebration of the fourth centenary of Francisco de Vitoria which was held at Salamanca, Spain. Father McKenna spoke on the contributions

of James Brown Scott to the renewed study of Vitoria. He also addressed the Pax Romana Congress on the "Christian University and the International Order."

# PROVINCE OF ST. ALBERT

## SYMPATHY

of his father.

The Fathers and Brothers of the Province extend their prayers and sympathy to the Rev. T. H. Dailey, O.P., on the death of his brother and to the Rev. Benjamin A. Arend, O.P., on the death

The Rev. B. A. Arend, O.P., formerly assigned to St. Anthony Priory, New Orleans, La., has been named pastor of Holy Ghost Church, Hammond, La. Rev. E. L. Curtis, O.P., has been appointed pastor of Nativity Church, Campti, La. The Rev. Gordon W. Walker, O.P., has been appointed principal of Fenwick High School to succeed the Rev. W. D. Van Rooy, O.P. Rev. Joseph J. Hagan, O.P., professor of philosophy at De Paul University, Chicago, Illinois, and Rev. William B. Mahoney, O.P., have been assigned to further studies at the Angelicum, Rome, Italy.

## GENERAL CHAPTER

Very Rev. R. P. O'Brien, O.P., Provincial, Rev. J. L. Callahan, O.P., and Rev. J. A. Driscoll, O.P., represented the Province of St. Albert at the General Chapter of the Order convened at Rome Sept. 8.

## RECEPTION

The Very Rev. J. E. Marr, O.P., clothed the following postulants with the habit on June 24: Bro. Raphael Fabish, Bro. Damian Florina, Bro. Mark Sullivan, Bro. Raymond McNicholas, Bro. Austin Green and Bro. John Jacobs. Father Marr presided at the vestition of Bro. Jordan Bishop on July 25.

## PROFESSION

The following novices made simple profession in the presence of the Very Rev. J. E. Marr, O.P., on June 25: Bro. George Welch, Bro. Hilary Freeman, Bro. Leo McMahan, Bro. Bernard Davis, and Bro. Lewis Shea.

The following brothers made their solemn profession to the Very Rev. J. E. Marr, O.P., on June 25: Bro. Gregory Going, Bro. Dominic Tamburello, Bro. Athanasius Weisheipl, Bro. Pius Conlan, Bro. Michael Faraon, Bro. Hyacinth Brenda, Bro. Ignatius Reardon, Bro. Malachy Dooley, Bro. Richard Butler, Bro. Gilbert Graham, Bro. Colum Burke, and Bro. Henry Siebs. Bro. John Thomas Bonee made solemn profession on the following day.

## GUEST

The Rev. Francis Heyers, chaplain of the Dominican Sisters, Great Bend, Kansas, was a guest of the Dominican Fathers at the House of Studies, River Forest, Illinois, in mid-July.

# HOLY NAME PROVINCE

The Very Reverend Peter Curran, O.P., S.T.D., was appointed Prior of the College of St. Albert the Great, Oakland, May 3, 1946, and was installed the evening of the same day. He succeeded the Very Reverend John Sebastian Owens, O.P., who died in office April 14, 1946.

Father Curran was ordained July 11, 1937, in Rome, where he made his



theological studies. Upon their completion, he returned to the House of Studies, and from that time he has been engaged in teaching.

**PROFESSIONS** Brother Leonard Cuevas, O.P., a lay-brother, made his solemn profession into the hands of the Very Reverend Benedict M. Blank, O.P., Provincial, the afternoon of May 1, 1946, at the College of the Immaculate Conception, Ross, California.

On June 20, 1946, at the College of St. Albert the Great, Brothers Vincent Cavalli and Mark Donnelly pronounced their solemn vows before the Very Reverend Benedict M. Blank, O.P., Provincial.

### SISTERS' CHRONICLE

#### Holy Cross Convent, Brooklyn, N. Y.

August 4. At Queen of the Rosary Convent, thirty-four postulants received the holy Habit of St. Dominic, and on August 6 forty-two Novices took their first vows. The Retreat for both these groups was preached by Very Rev. C. A. Drexilius, O.P.

August 24 Twenty-five Sisters made their final Profession; the retreat was preached by Rev. A. H. Neal, O.P.

#### Dominican Sisters of the Sick Poor, New York, N. Y.

Rev. E. A. Brady, O.P., conducted the annual retreat, June 8-17.

On the Feast of St. John the Baptist, June 24, Sr. M. Ann Patrice, O.P., and Sr. M. Ann Louise, O.P., pronounced their temporary vows for three years. Rev. Arthur J. Avard, Pastor of the Church of the Immaculate Conception, Yonkers, N. Y., officiated at the ceremony and Right Rev. Monsignor Michael A. Reilly, Dean of the Bronx, preached the sermon.

#### Mt. St. Dominic, Caldwell, N. J.

Rev. H. C. Boyd, O.P., conducted the Community Summer Retreat.

The Summer School session was held from July 2 to August 3, and the degree Bachelor of Science was conferred on Sr. Catherine Denis, O.P., by Seton Hall College, and on Sr. M. Cornelius, O.P., and Sr. M. Harietta, O.P., by Caldwell College.

August 4. Rev. P. C. Perrotta, O.P., celebrated a Solemn High Mass in honor of our Holy Founder, St. Dominic.

August 7. Sr. M. Rose, O.P., and Sr. M. Antoninus, O.P., celebrated the Diamond Jubilee of their Religious Profession. On the same day four Sisters celebrated their Golden Jubilee, and four Sisters, their Silver Jubilee.

August 22. Nine Sisters pronounced their final Vows.

#### Sacred Heart Convent, Houston, Texas

August 15. His Excellency, Most Reverend C. E. Byrne, D.D., LL.D., officiated at the ceremonies during which seven Sisters made their final Profession and one received the Holy Habit. Those who made Profession were Sr. M. Clement, O.P., Sr. M. Chrysostom, O.P., Sr. M. Thomas Aquinas, O.P., Sr. M. Justin, O.P., Sr. M. Thomasine, O.P., Sr. M. Edwardo, O.P., and Sr. M. Samuel, O.P.

August 16. Sr. M. Gilbert, O.P., made her first Profession into the hands of

Rev. W. Nigh, C.S.B., who acted as delegate of His Excellency, Most Rev. C. E. Byrne.

The Sisters opened two new schools this Fall: Holy Rosary School in San Bernardino, Calif., Queen of Peace in Houston, Texas.

### **Congregation of the Most Holy Name, San Rafael, Calif.**

April 27. The students and Faculty of the Dominican College of San Rafael had the privilege of attending a Mass of the Byzantine Liturgy of St. John Chrysostom. The Mass, celebrated by Rev. John H. Ryder, S.J., was sung in Angelico Hall on the College campus. Scholastics from the Jesuit Theologate at Alma, Calif., formed the choir, singing the responsories and litanies in old Church Slavonic.

In accordance with the Eastern rite, the college students received the Holy Eucharist under both species. In a few deeply moving words, Fr. Ryder stressed the need for recalling frequently our membership in the universal Church which binds together all the faithful, both East and West.

### **Congregation of the Immaculate Heart of Mary, Akron, Ohio**

At Our Lady of the Elms, Very Rev. J. C. Osbourn, O.P., of the Pontifical Faculty of Theology, Dominican House of Studies, Washington, D. C., conducted a course in Theology based on the fourth volume of *A Companion to the Summa*, by Very Rev. R. W. Farrell, O.P.

Feast of Corpus Christi. Sisters M. Roberta, O.P., Robert, O.P., and Michaelleen, O.P., renewed their vows, and Sisters M. Camille, O.P., Joan of Arc, O.P., Damian, O.P., Gabriel, O.P., and Josita, O.P., renewed their vows on July 25.

The property situated at 274 South Broadway on which Sacred Heart Academy was located has been sold. This private school was owned and operated by the Sisters of St. Dominic since 1904.

Rev. W. A. McLoughlin, O.P., preached two summer retreats at Our Lady of the Elms.

July 1. Sr. Mary Luca, O.P., died in the fifty-seventh year of her religious profession.

### **Mt. St. Mary-on-the-Hudson, Newburgh, N. Y.**

Sr. M. Carmelita Colahan, O.P., died on April 25, forty-eight years professed; Sr. M. Loyola Kelly, O.P., died on May 23, sixty-four years professed, and Sr. M. Cecilia Gall, O.P., died on July 5, nine years professed.

June 24. Rt. Rev. Msgr. Thomas J. McDonnell, National Director of the Society for the Propagation of the Faith and ecclesiastical superior of the Community, presided at the ceremony of investiture of twenty-one young women and at the profession of fifteen Novices. He was assisted by Rev. J. U. Cahill, O.P., chaplain at Mt. St. Mary's. The Retreat preliminary to the ceremony was preached by Rev. J. I. Bailey, O.P.

The first Community Retreat of the year, given at Holy Rosary Convent, Second St., N. Y., was preached by Rev. Augustine Smith, C.S.S.R. The Community Retreat at Sea Isle City, New Jersey, from July 26 to August 2, was preached by Rev. J. A. McCabe, O.P., who also conducted the Retreat at the Motherhouse from August 5 to August 12. The third Retreat at Newburgh, from August 13 to August 20, was preached by Rev. J. I. Bailey, O.P.; this Retreat was followed by the ceremony of final Profession.

### **St. Cecilia Congregation, Nashville, Tenn.**

July 25. The General Chapter of the St. Cecilia Congregation convened at the Motherhouse and re-elected Mother Annunciata Roesslein, O.P., as Prioress Gen-

eral of the Congregation. Other officers elected were the following: Sr. Reginald Gorman, O.P., First Councilor; Sr. Miriam Walsh, O.P., Second Councilor and Secretary General; Sr. Scholastica Breen, O.P., Third Councilor; Sr. Roberta Schaefer, O.P., Fourth Councilor, and S. Anne Frances Semmes, O.P., Bursar General.

August 4. Sr. Sebastian Truman, O.P., celebrated the Golden Jubilee of her Profession. His Excellency, Most Rev. William L. Adrian, D.D., celebrated the Jubilee Mass and preached the sermon.

August 8. Sr. Anne Washington, O.P., Sr. Cornelia Brew, O.P., Sr. M. Edward Criste, O.P., and Sr. Veronica Costello, O.P., received the B.S. degree from DePaul University at the close of the Summer Session.

August 8-15 Rev. T. A. Joyce, O.P., conducted the annual Retreat for the Sisters of the Congregation.

August 15. Miss Mary Bergin and Miss Lillian Dillon, of Chicago, received the Habit of the Dominican Order in the St. Cecilia chapel. Sr. Margaret Mary Hessler, O.P., made her final Profession on the same date.

During the summer, the Sisters of the St. Cecilia Congregation conducted vacation schools in Harriman, Tenn., and in Oak Ridge, Tenn.

### **Congregation of the Most Holy Cross, Everett, Wash.**

July 7. His Excellency Most Reverend Gerald Saughnessy, S.M., Bishop of Seattle, presided over the General Chapter which elected Sister M. Austin, O.P., as Prioress General.

July 21. A very successful laywomen's retreat was given by Rev. John McCorkle, S.S., of St. Edward Seminary, Kenmore, Wash. During the retreat nine ladies were enrolled as Dominican Tertiaries and four Tertiaries made profession.

July 26. Rev. Mother M. Frances, O.P., and Sr. M. Aimee, O.P., attended a week's session of the Liturgical Summer School conducted by the Benedictine Fathers at New Westminster, B. C.

August 4. Two retreats for Sisters were given in July and August by Rev. John McGorkle, S.S. At the end of the first retreat two young ladies were clothed with the Holy Habit, one Sister pronounced her first vows, and two Sisters made final profession.

Sr. M. Albertina, O.P., of Holy Angels Convent, Seattle, has been engaged in teaching Library Science at the Rosary College Extension classes given at the University of Portland, Ore., during the summer. Six Sisters attended classes in Library Science conducted by Dominican Sisters of Rosary College in Portland.

Ten vacation schools for religious instruction were conducted by the Sisters.

### **St. Catherine of Siena Convent, St. Catherine, Ky.**

May 28. Sr. Marjory McGonagle, O.P., passed to her eternal reward, and on July 13 Sr. Winifred Schwaner, O.P., died.

June 2., Commencement exercises were held at St. Catherine Junior College and Academy, ten students in each department receiving diplomas. The Students provided the choir for the Solemn High Mass celebrated by Rev. J. B. Reese, O.P., with Rev. E. A. Vitie, O.P., and Rev. A. R. McQuillan, O.P., as Ministers.

August 14. After a ten-day retreat conducted by Rev. W. B. Heary, O.P., eleven postulants were given the Holy Habit, and on the following day nine Novices made their first profession and thirty-two Sisters renewed their vows. Rev. J. R. Clark, O.P., presided at the ceremonies.

Among the institutions of higher learning attended by the Sisters of the Community during the summer are the following: Creighton University, Marquette University, St. Louis University, De Paul University, Boston College, St. John University, Manhattan University, Catholic University, St. Mary of the Lake, and Western Reserve College.

Sr. Stella Maris, O.P., of the Library Department at St. Catherine, was on the teaching staff of Nazareth College, Louisville, during the Summer session.

### Congregation of St. Mary, New Orleans, La.

On the Feast of Saints Peter and Paul, at the conclusion of the Retreat preached by Rev. G. C. Carpentier, O.P., Most Reverend Joseph F. Rummel, S.T.D., Archbishop of New Orleans, presided at the reception of the Habit by Misses Ruth Ott (Sr. M. Aloysius), Frances Rae (Sr. M. Victoria), and Odell Cook (Sr. M. Bridget), and at the first Profession of Sr. M. Osanna Hymel, O.P., Sr. M. Francis Ward, O.P., Sr. M. Florita Kliebert, O.P., Sr. M. Albert Kaack, O.P., and Sr. M. Ignatius Sevin, O.P.

On the Feast of King St. Louis of France, Rev. E. A. Baxter, O.P., acting as delegate of His Excellency, Archbishop Rummel, received the perpetual Profession of Sr. M. de Porres Voden, O.P., Sr. M. Damian Cazale, O.P., and Sr. M. Ursula Cooper, O.P.

August 4. Feast of St. Dominic. Rev. E. M. Cuddy, O.P., conducted the Retreat held at the Motherhouse in preparation for the Feast.

A Solemn High Mass on the Feast of Our Lady's Assumption marked the twenty-fifth anniversary of the Profession of Sr. M. Vincent Killeen, O.P., and of Sr. M. Lawrence Uter, O.P.

The Sisters conducted eleven religion vacation schools in Louisiana and Mississippi.

The Congregation of St. Mary was represented at the graduate schools of Catholic University, Chicago University, Wisconsin University, the University of Illinois, and Peabody Teachers Training College.

Two recently ordained priests, Rev. W. T. Dillon, S.J., and Rev. H. F. Kenny, S.J., honored St. Mary by celebrating the Holy Sacrifice in the College Chapel.

### Sisters of St. Dominic, Racine, Wis.

The regular summer session of Saint Albertus College opened on June 18; Rev. J. J. McDonald, O.P., from River Forest, Ill., gave a course in Moral Theology.

July 18. Rev. E. J. Goebel, Ph.D., Superintendent of the Archdiocese of Milwaukee, addressed the Faculty and Students.

July 23. Rt. Rev. Monsignor Atkielski, Chancellor of the Archdiocese of Milwaukee, entertained the Sisters with an account of his recent trip to Europe.

Vacation schools for religious instructions were conducted by the Sisters in twenty-one missions and parishes located in Wisconsin, Michigan and Montana.

July 1. Sr. M. Helen Karls, O.P., died in the ninetieth year of her life and the sixty-eighth of her religious profession.

The annual retreat, which opened on July 25, was conducted by Rev. M. M. Barron, O.P.

August 4. The Feast of Our Holy Father St. Dominic. Eighteen Postulants were admitted to the Habit, and twelve Novices made Profession.

August 5. Ten Sisters pronounced final vows.

August 6. Sr. M. Xavier, O.P., Sr. M. Cleopha, O.P., Sr. M. Celestine, O.P., and Sr. M. Adolphe, O.P., celebrated their Golden Jubilee, and on the same day seven Sisters commemorated their Silver Jubilee.

### St. Mary of the Springs, Columbus, Ohio

During the months of May and June, death claimed the following: May 5, Sr. Mary Lawrence McKee, O.P.; May 12, Sr. Baptista Gorman, O.P.; June 10, Sr. Mary Ambrose Hughes, O.P.

Sr. M. Regis, O.P., and Sr. M. Louise, O.P., members of the Executive Board of the Catholic Business Education Association, attended the first convention of the organization held in New York on June 1.

Sr. M. Anacletus, O.P., President, and Sr. M. Lucy, O.P., Registrar, of St. Mary of the Springs College; and Sr. M. Samuel, O.P., President, and Sr. M. Angelita, O.P., Dean of Albertus Magnus College, attended the Workshop for College Administrators at the Catholic University.

July 8. At the close of the Retreat conducted by Rev. J. I. Bailey, O.P., twenty-three postulants received the Habit.

July 10. Sr. M. James O'Connor, O.P., Sr. M. Monita Collins, O.P., Sr. M. Edwin Adametz, O.P., Sr. M. Uriel Conlon, O.P., Sr. M. John Musarro, O.P., Sr. M. Thomas Cullen, O.P., Sr. M. Alberta Wendelken, O.P., Sr. M. Laurita Greeley, O.P., Sr. M. Brendan Garvey, O.P., Sr. M. Austin Higgins, O.P., Sr. M. Brigid Kiggin, O.P., Sr. M. Roche Rodman, O.P., Sr. M. Beata Snyder, O.P., Sr. M. Felicita Schick, O.P., and Sr. M. Theophane Guilfoyle, O.P., observed the Silver Jubilee of their religious Profession.

August 14. Seventeen Novices made Simple Profession, and seventeen Sisters made final Profession.

During the summer, several Sisters took courses at Laval University.

The Erskine Lectures, sponsored by the College of St. Mary of the Springs, go into their tenth annual series this fall. Rev. J. M. Bauer, O.P., Chairman of the series, announces seven lectures as against five in the previous year. This year's speakers are the following: Rt. Rev. Monsignor F. J. Sheen, Dr. Richard Pattee, William Henry Chamberlin, Walter Kerr, Louis F. Budenz, Paul Weber, Dr. Robert M. Hutchins.

### Congregation of the Queen of the Holy Rosary, Mission San Jose, Calif.

June 5. At the close of the annual Retreat, eleven Postulants were clothed with the Habit of the Order. At the Solemn High Mass preceding the ceremonies, two brothers of Sr. Francis Marie, O.P., were celebrant and deacon: Rev. Kenneth Henriques, O.F.M., and Rev. Edward Henriques, O.F.M. Rev. Urban Habig, O.F.M., assisted as subdeacon. The sermon for the occasion was preached by Rev. J. J. Walsh, O.P., who had also given the Retreat.

June 13. Rt. Rev. Msgr. William J. Flanagan, representative of His Excellency, Most Reverend John J. Mitty, D.D., celebrated a Solemn High Mass on the occasion of the Diamond Jubilee of Sr. M. Columba, O.P., and of the Golden Jubilee of Sr. M. Aloysia, O.P., and of Sr. M. Angela, O.P. Rev. Charles R. Hackel, and Rev. James Murray assisted Msgr. Flanagan as deacon and subdeacon. Rev. Thomas N. O'Kane preached the sermon for the celebration, and Msgr. Flanagan concluded the ceremonies with the Papal Blessing.

Very Rev. P. C. Curran, O.P., Prior of St. Albert's College, Oakland, con-

ducted a course in Religion and Philosophy during the Summer Session of Queen of the Holy Rosary College.

August 8. Eight Sisters of the Community received their Bachelor of Arts degree from Queen of the Holy Rosary College at the close of the Summer Session. Rev. L. M. Osbourn, O.P., gave the commencement address and presented the diplomas to the graduates.

August 12. Sr. M. Vincent, O.P., Sr. M. Assumpta, O.P., Sr. M. Rosaire, O.P., and Sr. M. Monica, O.P., made their final Profession, and two Postulants were received into the Novitiate. Rev. J. B. Mulgrew, O.P., sang the High Mass and preached the sermon for the occasion. Rev. J. C. Connolly, O.P., assisted Rev. C. A. Dransfield, delegate of His Excellency, Most Reverend John J. Mitty, D.D., at the ceremony of final Profession and investiture.

August 15. The Community celebrated the Silver Jubilee of Sr. M. Armella, O.P., Sr. M. Thomasina, O.P., Sr. Maria de la Cruz, O.P., Sr. M. Aquina, O.P., Sr. M. Mauritia, O.P., Sr. M. Vincentia, O.P., and Sr. M. Pauline, O.P.

August 16-19. The annual Retreat for young ladies of the Bay Region was conducted by Rev. J. B. Mulgrew, O.P.

August 30. At the close of the second annual Retreat, Sr. M. Paul, O.P., Sr. M. William, O.P., Sr. M. Esther, O.P., and Sr. M. Philip, O.P., made first Profession.

### **Immaculate Conception Convent, Great Bend, Kans.**

From April 26-28 Rev. Mother M. Anselma, O.P., Mother General, and Mother M. Hedwig, O.P., Secretary General, of Brooklyn, N. Y., were visitors at the Motherhouse. This visit was a memorable occasion, for it was the first time that a Mother General of Holy Cross Convent had visited the daughter foundation at Great Bend.

On May 10, Feast of St. Antoninus, a Missa Cantata was offered for Mother M. Antonina, O.P., Foundress of the Community.

On May 12, the St. Rose School of Nursing held its annual graduation exercises in the convent auditorium; Sr. M. Christian, O.P., was one of the nine members of the class. Addresses were delivered by Rev. Alexius Urban, O.F.M.Cap., Professor of Sociology at St. Joseph's Military Academy, Hays, Kansas, and by Dr. Don A. Kendall of St. Rose Hospital.

During the months of May and June sixteen religious vacation schools were conducted by Sisters of the Community.

June 2. Rev. James J. Roth, who was ordained on June 1, said Mass in the Convent Chapel and gave his first blessing to the Sisters.

From June 2-9, Rev. E. R. Kavanagh, O.P., conducted a Retreat at the Motherhouse.

June 11. His Excellency, Most Reverend C. H. Winkelmann, S.T.D., presided at the General Chapter at Immaculate Conception Convent, which re-elected Rev. Mother M. Aloysia, O.P., as Mother General. Also elected were Sr. M. Benigna, O.P., Vicaress General, Sr. M. Imelda, O.P., Second Councilor and Secretary General, Sr. M. Theodosia, O.P., Third Councilor, and Sr. M. Emilia, O.P., Fourth Councilor.

On June 28, Feast of the Sacred Heart, the final negotiations were completed for the purchase of the Prowers County Hospital at Lamar, Col. The hospital will function under the name of Sacred Heart Hospital and will be taken over by the Sisters on August 1.

From July 8 to 15, Sr. M. Enelbert, O.P., and Sr. M. Cornelia, O.P., of St. Catherine Hospital, McCook, Neb., were visitors at the Motherhouse.

Sisters of the Community attended Summer School at the following colleges: Loras College, Dubuque, Iowa; St. Mary's College, Xavier, Kans.; College of Mt. St. Scholastica, Atchison, Kans.; Marymount College, Saline, Kans., and Sacred Heart Junior College, Wichita, Kans.

From August 4 to 13, Rev. T. a'K. Reilly, O.P., of Chicago, Ill., conducted the Retreat prior to the Reception and Profession ceremonies and also preached the sermon for the occasion. Rt. Rev. Msgr. Joseph A. Klug presided at the ceremonies, during which seven postulants received the habit, ten novices made their temporary vows, and four Sisters made their final Profession.

August 13. Sr. M. Theodosia, O.P., Sr. M. Margarita, O.P., Sr. M. Pia, O.P., Sr. M. Angelica, O.P., and Sr. M. Marcella, O.P. celebrated the Silver Jubilee anniversaries of their Profession.

### Congregation of the Most Holy Rosary, Sinsinawa, Wis.

His Eminence, Thomas Cardinal Tien, Bishop of Tsingtao, China, honored both Rosary College and our Motherhouse with a visit during April and May.

Rev. M. J. Erwin, O.P., conducted courses in Theology and in Psychology during the Summer Session at Sinsinawa. Rev. J. M. Nugent, O.P., conducted both summer Retreats at Sinsinawa.

August 4. Rev. J. M. Nugent, O.P., sang the Solemn High Mass on the Feast of St. Dominic; he was assisted by Very Rev. W. D. Marrin, O.P., of New York, and Rev. P. A. Skehan, O.P., of Washington, D. C. Rev. J. W. Curran, O.P., River Forest, and Rev. J. T. a'K. Eulberg, O.P., Sinsinawa, were acolytes. Rev. L. W. Frawley, Pastor of St. Giles Church, Oak Park, Ill., preached the sermon for the occasion, after which Rev. J. B. Connolly, O.P., Chaplain, preached at the reception of the Habit by thirty-nine postulants.

August 5. Rev. J. W. Curran, O.P., sang a High Mass, after which Rev. J. B. Connolly, O.P., officiated at the Simple Profession of thirty-one novices and the final Profession of twenty-four Sisters.

August 6. Rev. J. B. Connolly, O.P., Chaplain of the Community, sang the High Mass for the Golden Jubilarians of the year: Sr. M. Felicittas McCarthy, O.P., Sr. M. Michael Regan, O.P., Sr. M. Moneta Kranz, O.P., Sr. M. Alain McGillicuddy, O.P., Sr. M. Rosario McGinnis, O.P., Sr. M. Lucilla Fitzmaurice, O.P., Sr. M. Chrysostom Borstadt, O.P., Sr. M. Rinaldo Donehue, O.P., Sr. M. Cecily McCarthy, O.P., and Sr. M. Bernardo Benson, O.P.

Twenty-six Sisters marked their Silver Jubilee on various dates.

Recent deaths include those of Sr. M. Francis Borgia Morrissey, O.P., Sr. M. Lilia Foley, O.P., Sr. M. Armand Crevier, O.P., Sr. M. Colma Murphy, O.P., Sr. M. Meloria Novotny, O.P., Sr. M. Rafael Kelly, O.P., Sr. M. Domicilla Berg, O.P., and Sr. M. Loretine Miller, O.P.

September 15. Many of the local clergy, the Community of St. Clara, and Academy pupils participated in the annual Mazzuchelli Pilgrimage to Sinsinawa which was sponsored by the Court of Foresters, Benton, and two local Assemblies of the Knights of Columbus bearing the name of the Dominican missionary. The exercises began with an address by Attorney Frank Burke, Madison, Wisc., after which a procession was formed for a living Rosary before the statue of Our Lady of Lourdes on the campus, where Benediction of the Most Blessed Sacrament was given.



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